App F IX-4

Previous References
ps 216-30 89 315
ms 216-30 8578
ms 266-30 871

1931-32
(ms)

File No. 128-31
Serial Nos. 1

Later References
Ms 61-31 1,2 & 4 (A Colly)
" 62-31-1-6 do
" 63-31-1-3 do

P-9-13

General and Revenue Secretariat.

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erial Nos one only

Part B for Nov 1931

SUBJECT.

Bills for the management of municipal affairs in (1) 6 cities (2) Towns and (3) Minor Municipalities in the State.

The general principles of the Bills were placed before the R.A. of Oct 1931 and they were accepted

4.11.31

General and Revenue Secretariat

File No L 1702 / 128 of 1931

App F III—2]

Serial No

266-30-1 Z 1

From

The Secretary to the committee appointed to draft 3 Bills to manage the municipal affairs.

No. L-2540 / 266-30-7 dated 5.10.31

Submits the report of the committee together with 3 Bills to manage the municipal affairs in (1) cities (2) towns and (3) minor municipalities. The main changes proposed by the Committee are detailed in the statement appended to the report.

(2) The Committee considers that the provision in clause 101 of the Town and City Municipalities Bills wherein power is given to the Municipal Council to attach and sell immoveable properties of defaulters for non-payment of municipal dues is not a desirable one. With regard to the provision in the Minor Municipalities Bill for adult suffrage, the opinion of the non-official members of the committee is equally divided. The committee considers that in view of the importance of these amendments, these matters may be more fully discussed in the Assembly. These two provisions are included in the Bills.

The committee desires that in consideration of the several important directions in which the municipal administration is likely to improve by the passing of these Bills, the general principles of the Bills may be placed before the Assembly at its ensuing session.

This is a Council matter.

NOTE—Contn Sheet

WD 02553—G PB—50 000—8 7 30

5.10.31 Gen. Secy 5.10.31

II Member The St. 1. General principle

ml File No L 1702 / 128 of 1931

General and Revenue Secretariat

may be placed again before the Assembly There may be technical objections to treat the St^n placed before the June Session of the Assembly as in force still & as there have been some changes made by the Spl Com^tee, it is considered desirable to place a fresh revised St^n before the next Assembly

JPOR 6/10

Dewan

WW 6/10

Yes. The case may be circulated and Sanction taken

Mrg 6/10

Chief Secy

HW 6/10

DEPT. OFFICE 205 6 - OCT 1931

Cir memo also put up

6/10

RRMDT

3

(For Disposal by Circulation.)

No. C. 114
of 1931/32

GENERAL AND REVENUE SECRETARIAT.

Council Matter

SUBJECT

Draft Municipal Bills.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

7th October 1931.

Chief Secretary to Government

~~Extraordinary Member of Council~~

2826/7/10 **First Member of Council**

1671/8/10 **Second Member of Council**

~~Third Member of Council~~

7/10/31 (Seen)

For favour of a Final Note.

8/10/31

SECOND MEMBER.

General and Revenue Secretariat | File No | of 193 | App F III—2] C 114

Serial No

DEWAN'S OFFICE
2599.
10 OCT 1931

1671

Final Note signed by the member is placed in the file.

8/10/31

D. S. N. put up.

DEWAN.

9/10/31

10/10/3

NOTE—Contn Sheet

WD 02553—50,000—GPB—8 7 30

File No

of 193

Final Note by the Second Member of Council

Subject:—

Bills for the management of municipal affairs in (1) Cities (2) Towns and (3) Minor Municipalities.

H As graciously approved by His Highness on the 4th May 1931, the general principles of the Minor Municipalities Bills and the Bill further to amend the Mysore Municipal Regulation were placed before the Representative Assembly in June last.

In connection with the discussion of the general principles of these Bills, a suggestion was made by the Government that it was desirable to frame separate Regulations in respect of each of the three classes of Municipalities, viz., Cities, Towns and Minor Municipalities

Z The Assembly having accepted the suggestion, a Committee was appointed to draft a separate Bill for each such class.

G The Committee has submitted its report along with three Bills as finally approved by it. The most important changes introduced by the Committee are detailed in the statement appended to the Report.

ager 2 K3 office Note The draft Bills have been approved by the Dewan and Members of Council

Gracious sanction is now solicited to place the statement of general principles with the Bills before the Representative Assembly at its ensuing session.

S Prabhakar Rao

MEMBER OF COUNCIL.

Bangalore,
8th October 1931.

Submitted to His Highness.

I submit herewith a Final Note by the Second *Member of Council* regarding Bills for the management of Municipal affairs in (1) Cities (2) Towns and (3) Minor Municipalities,

for His Highness' gracious approval

M Y Venkatarama Rao
OFFG: *Dewan*

C 114

Record of Cases submitted for the Orders of His Highness the Maharaja

No. 62
10-10-31

Subject.

Bills for the management of Municipal affairs in (1) Cities, (2) Towns, and (3) Minor Municipalities

Order.

KRW
13/10/31

14/10/3

RJ 16/10/31
15

Serial No

A draft statement of the general principles of the three municipal Bills as approved by the Committee is sent for approval of H.H. two copies of the same will be sent to the Secretary, R & A for getting the same translated and also printed, pending sanction of H.H. to the Bills in the usual way

5/10/31 2nd Member 5.10.3

Appd with a few minor changes

6/10

The file may now be sent to the Translation Section for kindly making the corrections as approved by the Member, in the provisional copy which may be returned early

NOTE—Contn Sheet

See pages 1 to 15 ante

7.10.31

9/10

File No of 193 General Se[redacted]

This may now be sent to R. A. Section for note and kind return yes

9/10/31 R. A. Section wrest compltd

9.10.31

Noted & returned to the L. S. & G. Branch with compltd

BVN 13/10/31

The file may now be sent to the Protection Branch

16/10

16.10.31

This may be sent to R. A. Branch

17/10/31

17/10/31

OFFICE OF THE SECRETARY
17 OCT 1931
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL.

21/10/31

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 5th October 1931

No L 2540 / Ml 266-30-7 / 3 Bills & 1 Report

Ml 128-31-1

From V. Subramanya Sastry, Esq., B.A.,
Committee appointed to draft 3 Municipal Bills
Secretary to the ~~Government of His Highness the Maharaja of Mysore,~~
~~Development Department~~

To

The General Secretary to Government,
Bangalore.

GEN. & REV. SECTT. 1702 15 OCT 1931 L. S. G. BRANCH

Sir,

With reference to Government Order No.9875-91/M1.266-30-1 dated 15th June 1931 appointing a committee for drafting 3 Bills for the management of municipal affairs of (1) Cities, (2) Towns and (3) Minor Municipalities, I am directed to forward herewith the report of the committee together with copies of the Bills as finally approved by the Committee.

I have the honour to be,

Sir,

Your most obedient servant,

V Subrahmanyasastry

Secretary to the Committee.

5/10

XXXXXXXXXXXXXXXX STATEMENT SHOWING THE MODIFICATIONS SUGGESTED BY THE COMMITTEE

IN THE DRAFT BILLS.

	No. of clause of the Bill.	Reference to Sec. of existing Regn.	Provision made in the Bill.	Amendment proposed by the Committee.	Reasons for change proposed.
1	1) 5 (i) and 6 (1) Proviso.	7 (i) proviso.	Constitution of Town Municipalities to be generally limited to areas having a population of not les than 5,000	Local areas having an annual normal income of Rs10,000/- or more may also be constituted into Town Municipalities	It is not expedient to deny the the privileges of a Town Municipality to local areas whose population falls short of 5,000 by a few hundreds.
2	2) 10 (e) (vi)	11 (c) (vi)	Rules to be made by Govt. generally for regulation of municipal elections.	Express provision may be made for requiring deposits from candidates at elections in both the City and Town Municipalities and forfeiture of deposits as in Dt. Board elections.	This is necessary to remove unhealthy competition.
	4) 12 (1) proviso	15 (i)	The disqualification in some cases automatically terminates at the end of 3 years & in some others at the end of 5 years.	Disqualifications in all these cases may uniformly terminate at the end of 3 years, except in the caseof a person ordered to furnish security for good behaviour, when the disqualification may terminate at the end of the period during which he is ordered tofurnish security	It is desirable to prescribe a uniform period for automatic termination of disqualification

4) 20 (2)	,22	.Appeals to High Court from the orders of the Judge at election disputes to be preferred within 15 days from the date of ~~xxx~~ order	The period may be raised to one month.	. A longer time isnecessary for taking legal opinion for preferring appeals as appeals are allowed only on points of law.
5) 22 (10)		The President & Vice-President to forthwith vacate their offices when a resolution for their removal is passed at a special meeting by not less than 2/3rds of the whole number of councillors or if two resolutions are passed by a bare majority at two meetings held at an interval of not less than one month.	Presidents &Vice-Presidents when they ~~xe~~ appointed by Govt. by name ~~xxx~~ or elected ~~by the Mun.Council~~ may forthwith vacate their offices (i) on a resolution to that effect passed by a majority of not less than 2/3rds of the whole number of councillors, (2) on resolution to that effect being passed by a majority of the whole number of councillors at two meetings held after an interval of not less than one month and not more than four months.	It is not expedient to require the vacation of office on two resolutions passed by a bare majority. Resolutions at two meetings passed after a defi-nite period & within a prescribed period by at least one-half of the whole number of councillors may be taken as a clear indication that it is not expedient for the incumbent to continue in office any longer.

6)	22 (11)	....	Provision may be made for empowering Govt. to remove Presidents & Vice-Presidents who are unable to pay their debts, a person being presumed to be unable to pay his debts, if (1) he is under arrest or impr isonment in execution of a decree of any court for payment of money, or(2) an order of attachment in execution of such a decree has been made and is subsisting against his property	This is to prevent the adminis tration of the local body from being brought into contempt.
7)	22 (12)	23 (9)	Term of Presidents & Vice-Presidents to be limited to one year when they are elected by the Municipal Council	The term of all Presidents & Vice Presidents may be co-terminus with their office as councillors.	The term of one year is too short a period for any President or Vice President to doany good work. Frequent changes are not conducive to good administration.
8)	42 (5)		Tenders to be ~~called~~ called for when the value of materials or cost of work involves an expenditure of Rs1,000/- & Govt. sanction to be taken when the estimated value exceeds Rs10,000/-	Tenders may be called for when the cost exceeds Rs200/- in Town Municipalities & Rs 500/- in City Municipalities and sanction of Govt. to be obtained when the value exceeds Rs 5,000/- in town municipalities & Rs 10,000/- in city municipalities.	It is expedient to lower the limits as now recommended.

9	~~27~~ 45	42	Presidents & Courcillors to be liable for the loss, waste or misapplication of municipal money or property, if it is a direct consequence of their neglect or misconduct.	The Councillors should be liable if the loss etc., is a direct consequence of misconduct & the Chief Executive Officer, Chief Officer, other officers or persons entrusted with executive functions by or under the Regulation should be made liable for loss, etc. caused by their negligence ~~or misconduct~~ as well as misconduct	It is not necessary to make councillors liable for loss caused by negligence as they have gnerally no executive functions to perform, and that the Chief Executive Officer, the Chief Officer or other officers or persons to whom executive powers are delegated or on whom executive powers are conferred should be liable for loss,etc. caused by their negligence as well as their misconduct.
10	~~20~~ 122 (2)	[96 (2)]	The Municipal Council may direct that a new building of which notice is given shall not be proceeded with unles and until all questions connected with the respective location of the building & any streets existing or projected are decided to their satisfn.	Theorder to be made in this case should not be in force for more than six months & should not apply to buildings on sites laid out by the municipal council or other competent authority.	In the interests of the people, it is not desirable to confer this authority on the municipal Councils in respect of buildings on sites laid out by competent authority and the direction should remain in force only for a definite period
11	~~11~~ 122(6)	96 (5)	Continuance of contravention of provisions in respect of new ~~p~~ buildings to be punishable with fine which may extend to Rs10/- for ach day.	This is unnecessary and may be deleted	The maximum of fine now fixed,i.e., Rs200/- is quite ample & no special fine for continuous contraventions is necessary.

123	Preventing persons undertaking new buildings from occupying them without giving previous notice to the municipal council.	The provision may be omitted in both the Town and City municipalities Bill.	The provision will work as a hardship on the inhabitants.
13) 163	Municipal Council may call upon owners or occupiers of buildings which are unfit for human habitation to show cause why the building should not be prohibted to be used as a dwelling & may order such prohibition after taking the objections into consideration.	Before calling upon the occupiers or owners to state their objections, the municipal council should specify in detail what improvements are necessary to be executed to render the building habitable and the order of prohibition should be issued when the reqd. improvements are not effected within a reasonable time. The second sub-clause of the clause may be omitted & provision may be made for withdrawal of prohibition order for peroper reasons	It is necessary that the owner or occupier should know what improvements are to be effected to render the building fit for human habitation. Sub-clause (2) deals with the procedure to be followed in identifying houses the occupation of which is prohibited. These details need not be specified in the Regulation
14)214 (2)	Deputy Commissioner may on receipt of the report of the auditor pass an order surcharging the person responsible.	The Deputy Commissioner should pass the order after affording opportunity to theperson concerned to explain.	It is desirable that the D.C.should know beforehe passes orders of surcharge what the person aggrieved has to say in the matter.

15 ~~16)~~	221 of City Municipalities Bill.	...	Deputy Commissioner to have power to inspect City Municipal Offices.	The Govt. or any officer authorised by Govt. to have powers to inspect City Municipal Offices.	It is not desirable to empower Deputy Commrs. to inspect City Municipal Offices.
16 ~~16)~~	239 proviso	183	An appeal will lie to the municipal council in respect of any order passed or anything done by a Chief Officer in exercise of the powers conferred on him by or under the provisions of this Sec.	The provision is unnecessary The proviso to the clause may be deleted.	Thereis no appeal to the municipal council under the existing Regulation. The additional powers given to the Chief Officer relate to matter of routine administration. As under clause 238 the Chief Officer exercises powers and performs his duties subject to the general control of the President, it is not necessary to provide for any appeals from the orders of the Chief Officer to Munl.Cl.
~~17 17) 248~~		~~186 (g)~~	~~Municipal Commr. to exercise certain powers subject to certain limitations~~	~~Appeals from the orders of the Munl.Commissioner may be allowed under the following clauses. 112, 113, 114 (2) (1), 117, 131, 131, 139~~	~~It is not desirable to make the orders of the Munl. Commisioner in these cases final. It is expedient to allow the aggrieved party to appeal to the municipal council.~~

18) Schedule III		The maximum fee for an ordinary bicyle or tri-cycle is Rs6/- per year	The rate intown municipalities may be reduced to Rs3/- per year.	The existing rate even in City Municipal Councils for tricyklee & bicycles is Rs 3 per year The maximum of Rs6 for these vehicles in town municipal councils is unduly heavy.
17				
18)	62 (c)	56	At the discretion of municipal councils, municipal servants may be granted loans, for construction of houses, subject to the rules and conditions to be prescribed by the Govt in this behalf. The Provision may be made in the minor municipalities Bill also.	This is necessary to make municipal service more attractive

DS
3/10/31

The Mysore Representative Assembly.

DASARA SESSION—OCTOBER 1931.

STATEMENT OF GOVERNMENT BUSINESS TO BE PLACED BEFORE THE REPRESENTATIVE ASSEMBLY

I. General Principles of the Bill for the amendment of Section 73 of the Mysore Forest Regulation

Under the existing law, every occupant or holder of land is responsible for the preservation of all sandal trees growing thereon and is liable to pay compensation on account of any injury caused to such trees, in case he fails to report the injury or to prove that it was not caused by his own act or neglect The Sandalwood Committee have recommended in their report published with Government Order No G 5082-95—Ft 26-29-14, dated the 11th November 1930, that the person in actual possession (*i e*, the Anubhavadar) of the land be made primarily responsible for any damage caused to sandal trees on his land and that the registered occupant be held liable only when the compensation for the damage cannot be recovered from the Anubhavadar This recommendation of the Committee has been approved by Government and the amendment proposed is intended to give effect to it

II General Principles of the Bill further to amend the Mysore District Boards Regulation, 1926

Under Section 68 of the Mysore District Boards Regulation, Railway Cess should be utilized solely for the construction of Railways and Tramways or for guaranteeing the payment of interest on capital expended on any Railway, Tramway, or other works which may directly improve the means of communications within the district in which it is levied or between such district and other districts The Chitaldrug District Board resolved on 18th January 1930 that they may be permitted to utilize the Railway Cess for the improvement of ordinary communications Subsequently, the Tumkur District Board requested Government in November 1930 that they may be permitted to utilize the interest on Railway Cess for the construction and maintenance of roads The District Boards of Kolar, Mysore and Shimoga who were consulted in the matter have agreed to the proposal of the Tumkur District Board

It is accordingly proposed to amend Section 68 of the District Boards Regulation, so as to allow the utilization, on works which may improve the means of communication in the District, of the whole or any portion of the interest derived from investment of Railway Cess not immediately required for expenditure, or the income from Railways which is in excess of the amount required for repayment with interest of the loans raised, or the amount required for guaranteeing the payment of interest on capital expended for the construction of Tramways or Railways

The matter is referred to the Representative Assembly for an expression of their views

III General Principles of the Bill for the amendment of the Mysore Stamp Regulation.

As one of the measures for improving revenue, the Mysore Retrenchment Committee 1931 observed that the existing uniform rate of stamp duty of one anna irrespective of the amount leviable on "On Demand" promissory notes was low and recommended that the graduated scale as in British India may be adopted The rates of duty as proposed to be revised will be as below —

Promissory Note —

(a) When payable on demand—	
(i) When the amount or value does not exceed Rs 250	One anna
(ii) When the amount or value exceeds Rs 250 but does not exceed Rs 1,000	Two annas
(iii) In any other case	Four annas

Government accept the recommendation and action is proposed to be taken to introduce a Bill for the amendment of the Mysore Stamp Regulation on this behalf

IV General Principles of the Sale of Goods Bill

The Indian Contract Act IX of 1872 was introduced into Mysore during the Commission days by means of the Government of India Notification of 27th May 1878 Chapter VII of the Act dealing with the subject of the sale of goods has recently been repealed in British India and replaced by a separate Act, called the Indian Sale of Goods Act, (Act III of 1930) The scheme, wording and arrangement of the said Act follows closely the English Sale of Goods Act of 1893 (56 and 57 Victoria, Chapter 71) which is regarded as a very successful and correct codification of this branch of the mercantile law and has met with uniform approval and has been copied in most of the Dominions and Colonies in the British Empire and in the United States of America

The Indian Act of 1930 was drafted by a special Committee of leading lawyers of India presided over by Sir B C Mitter as its Chairman The Committee observe as follows regarding the necessity for amending the existing law on the subject —

"Whatever merit the simple and elementary rules embodied in the Indian Contract Act may have had, and however sufficient and suitable they may have been for the needs which they were intended to meet in 1872, the passage of time has revealed defects, the removal of which has become necessary in order to keep the law abreast of the developments of modern business relations The law relating to the sale of goods appertains mainly to mercantile transactions There can be no doubt that during the last half century, conditions in this country relating to trade and business have undergone material changes Methods of business have largely altered and new relations have arisen between man and man In dealing with these relations, it has been necessary to give recognition to new principles, and the Indian Courts have found that a law enacted more than fifty years ago is entirely inadequate to enable them to deal with these new relations or to give effect to the new principles The result has been that, on various occasions the Courts have had to hold that Chapter VII of the Indian Contract Act is not exhaustive, and to import therein analogies from the decisions of the English Courts

"The English law relating to the sale of goods which was admittedly the basis of Chapter VII of the Indian Contract Act has itself, since 1872, undergone drastic changes, and was finally codified in 1893 by the present Sale of Goods Act (56 and 57 Vict, C 71) which discards many of the old common law rules upon which Chapter VII of the Indian Act was based, in favour of provisions more suited to modern conditions or more convenient in actual practice

"In mercantile transactions, a conflict of laws should, as far as possible, be avoided Uniformity of law in various countries, particularly in those which have business or trade dealings with one another, is highly convenient and desirable We therefore, approve of the proposal to adopt the provisions of the English Sale of

Goods Act so far as they are suitable to Indian conditions as the basis for the present Bill, and thus to make the Indian Law relating to the sale of goods as nearly as possible uniform with the law in force in other parts of the British Empire

"The Committee retained several of the provisions of the Indian Contract Act which are useful to meet the special conditions existing in India, and adopted these provisions of the English Act which suited the needs and exigencies of this country"

"The above statement and the reasons contained therein equally apply to Mysore Our merchants in Mysore have large mercantile business with British India and it is very desirable, therefore, to make our law on the subject of sale of goods uniform with that in force in British India

The Judges of our High Court have been consulted in the matter and they strongly recommend the adoption of the Indian Sales of Goods Act to Mysore

The main points of importance that the Bill seeks to embody in the existing law are thus stated by the Special Committee

"(*a*) The present Bill embodies the principle that the question whether a contract for the sale of goods does or does not pass the property in the goods from the buyer to the seller must in all cases be determined by the intention of the parties to the contract The provisions of Chapter VII of the Indian Contract Act are vague and conflicting on this point The Bill codifies the rules by which that intention may be ascertained, but the operation of these rules will be displaced by any terms of the contract defining the intention or by any attendant circumstances, including the conduct of the parties, rendering it ascertainable In following this principle, we have borne in mind that in mercantile matters the certainty of the rule is often of more importance than the substance If the parties know beforehand what their legal position is, they can provide for their particular wants by express stipulations Sale, after all, is a consensual contract and the Bill does not prevent the parties from making any bargain they please Its object is to lay down clear rules for the cases where the parties have either framed no intention or failed to express it

"(*b*) The distinction between a sale and an agreement to sell, which was not clear in Chapter VII of the Indian Contract Act, has been clearly brought out This distinction is very necessary to determine the rights and liabilities of the parties to the contract

"(*c*) It is made clear that a contract of sale can be made by mere offer and acceptance Neither payment nor delivery is necessary for the purpose

"(*d*) In the Indian Contract Act the word "warranty" has been used in a very vague sense In some provisions it denotes a condition which would enable a party aggrieved by its breach to repudiate the contract, while in others it enables him to claim damages only In the Bill this ambiguity has been removed

"(*e*) There is much conflict of decisions regarding the meaning of section 108 of the Indian Contract Act which relates to sales by ostensible owners This is to a certain extent due to the obscure phraseology of the section itself The Bill removes this obscurity in clauses 27 to 30 of the Bill and simplifies the law on the subject

"(*f*) The rules relating to delivery to carriers, stoppage in transit and action sales are elaborated"

V General Principles of the Bill to amend the Indian Contract Act 1872 as in force in Mysore

Section 108 of the Contract Act dealing with the subject of sales of goods by persons who are in possession of the goods as ostensible owners has been materially altered by clauses 27 to 29 of the proposed Sale of Goods Bill Section 178 of the Act relating to pledges, which is a cognate section and is based on the same principle as section 108, has consequently been amended in British India by Act IV of 1930, and the present Bill proposes to do the same thing in Mysore, so as to bring the law in confirmity with that in British India

VI—General Principles of the Municipal Bills for the management of municipal affairs in (1) Cities, (2) Towns and (3) Minor Municipalities

At the last session of the Assembly it was agreed that, for the regulation of the affairs of each of the three classes of municipalities, it was expedient to have a separate Regulation and that a Committee be appointed for drafting three separate Bills for the purpose A Committee was appointed for this purpose in June 1931 and the main changes recommended by the Committee are placed before the House for an expression of their views

I CITY AND TOWN MUNICIPALITIES BILLS

The main changes introduced in these Bills are the following —

Reference to existing Regulation and Bills

(1) Constitution of Town Municipalities

Section 7
Clauses 5 and 6

?
cl 6 proviso (ii)

The minimum population for a Town Municipality is fixed at 5,000 In order that areas the population of which falls short of this standard by a few hundreds may not be deprived of the advantages of a Town Municipality, it is provided that local areas which have an annual normal income of Rs 10,000 be also generally constituted as Town Municipalities

(2) Elected Element on Town Municipal Councils

Section 10
Clause 9

The minimum strength of the elected element on the Town Municipal Councils is raised from one-half to two-thirds of the total strength

(3) Qualifications of voters and candidates

Sections 11, 12 and 21
Clause 10

Omission of Sec 12 + Sec. 21 (to be provided in the rules)

The qualifications for voters and candidates have been specified in certain cases in the existing Regulation and the qualifications in other cases are regulated by rules framed by Government It is decided to leave the qualifications of voters and candidates to be regulated by rules framed by Government

(4) Publication of Election Rolls

Section 13
Clause 11

It is considered unnecessary to annually revise the municipal election roll and publish it every year It is sufficient if the municipal election roll is prepared only once in three years and opportunity is afforded to persons newly qualified to have their names enrolled at any time except within one month preceding the date fixed for an election

(5) Disqualification to be Councillors to cease automatically

Section 15 (1)
Clause 12 (1)

Under the existing Municipal Regulation the disqualifications in certain cases will continue to operate unless an order to the contrary is passed by Government It is decided to automatically terminate the disqualifications after the lapse of a definite period as in the case of District Board members and to bring the disqualifications into line with the provisions in the District Boards Regulation

(6) Removal of Councillors

Section 16
Clause 14

It is considered necessary to afford opportunity to councillors to explain at an enquiry before removing them from office

(7) Election disputes

Section 22, Clause 20

In order to obviate vexatious complaints, it is considered necessary to prescribe that the validity of a municipal election should be disputed by a candidate who stood for election or by at least 10 persons qualified to vote at the election and that a deposit should accompany the applications as in the case of elections to the District Boards Provision is also made for appeals on points of law to the High Court from the orders of the Judge in election disputes This provision is also made applicable to the election of Presidents by the general body of voters

Clause 21

It is also considered necessary to debar civil suits in regard to matters relating to appointment or removal of councillors, Presidents or Vice-Presidents, except where they are specially provided for

(8) Presidents and Vice-Presidents

Section 23 (1), Clause 22 (1)

It is decided to leave the appointment of Vice-President to the discretion of the Municipal Council instead of the Government

Clause 22 (5)

Salaried servants of Government are specifically made ineligible for election as Presidents and Vice-Presidents

(9) *Vacation of seat by Vice-President on becoming President*

Clause 22 (9)

There is no provision in the existing Regulation declaring that a Vice-President who is elected or appointed as President should be deemed to have vacated his office as Vice-President. It is necessary to afford facilities to other members for being elected as Vice-President by creating a vacancy in the office of the Vice-President

Clause 22 (10)

(10) *Vacation of offices by elected and nominated Presidents and Vice-Presidents*

There is no provision in the present Regulation for the automatic vacation of office by elected and nominated Presidents and Vice-Presidents when resolutions are passed for their removal It is proposed to provide for such vacation,

(a) when a resolution to that effect is passed at a special meeting by a majority of not less than two-thirds of the whole number of Councillors, and

(b) when resolutions to that effect are passed by a majority of not less than one half of the whole number of Councillors at two special meetings held within an interval of not less than one month and not more than four months

(11) *Removal of Presidents and Vice-Presidents who are unable to pay their debts*

Section 23 (9), Clause 22 (11)

Under the rules prescribed for the conduct of public servants, a Government servant who is constantly arrested for debts or a moiety of whose pay is constantly being attached or is attached for a sum which in ordinary circumstance cannot be repaid within a period of two years, is liable to dismissal This rule is not applicable to non-official Presidents and Vice-Presidents Under the present law, Government cannot take action against a non-official President or Vice-President even though he is arrested for debt Under the existing Regulation such Presidents and Vice-Presidents will be disabled to continue in office only if they are declared insolvent The administration of the Municipal Councils will be brought into contempt by having a President or Vice-President who is unable to pay his debts and it is necessary

to remove such President and Vice-President from office when an order of attachment in execution of a decree is subsisting against his property for a long time or when an order of his confinement in jail in execution of a decree is in force

(12) *Executive powers of Presidents*

Section (24), Clause 24

Under the present Regulation, the Chief Officers and Municipal Commissioners exercise certain executive powers of the Municipal Council even without delegation by the Municipal Council In the municipalities for which there is neither a Chief Officer nor a Municipal Commissioner, the President can exercise these powers after delegation by the Municipal Council and it is possible for the municipal council in some cases to paralyse the municipal administration by reserving the executive powers to themselves or delegating them to committees which may not function promptly and properly To facilitate the executive administration in such municipalities, it is considered necessary to empower Presidents to exercise the powers that might be exercised by the Municipal Commissioners in City Municipalities, and by Chief Officers in Town Municipalities

(13) *Powers of Vice-President*

Section 25 (1), Clause 26 (1)

The duties of the Vice-Presidents are not at present uniform in all the municipalities It is proposed to take power to Government to define more definitely the powers of the Vice-President, by rules or orders

Section 25 (2), Clause 26 (2)

In cases in which the Deputy Commissioner, Amildar or Deputy Amildar is an *ex-officio* President of the municipal council, it is considered necessary to authorise the Vice President to exercise the powers of the President when the latter is absent, notwithstanding the provisions contained in Sections 9 and 13 of the Land Revenue Code

(14) *Meetings of the Municipal Councils*

Section 26 (2), Clause 27 (2)

Complaints have reached Government of undue delay in summoning special meetings duly requisitioned Power is therefore given to the Vice-President or at least one-third of the whole number of councillors to call a special meeting if the President does not call the meeting for a date not more than fifteen days after the presentation of the requisition

Section 26 (7), Clause 27 (7).

The quorum of one half for meetings of Town and Minor Municipal Councils is large and it is necessary to prescribe a uniform quorum of one-third for meetings of all Municipal Councils

Section 26 (14), Clause 27 (16)

Certain officers of Government specified in Section 26 (14)(a) of the existing Regulation have alone the right to attend the meetings of the Municipal Councils Power is taken to Government to allow any officer notified by the Government in this behalf to attend meetings of Municipal Councils

(15) *Contracts*

Clause 42 (5) Section 40 (2) & (4), Clause 42 (2) & (4)

It is necessary to require the Municipal Councils to invite tenders for the supply of materials for execution of works when the value exceeds Rs 200 in Town Municipalities and Rs 500 in City Municipalities, and to obtain sanction of Government to the acceptance of tenders when the cost exceeds Rs 5,000 in Town Municipalities and Rs 10,000 in City Municipalities

Section 40 (2) & (4), Clause 42 (2)&(4)

The powers of Municipal Councils in respect of purchase and sale of movable property and in respect of the transfer of immovable property are too low and they are proposed to be raised to Rs 2,000 in the case of City Municipal Councils and Rs 1,000 in the case of other Municipal Councils

Section 42, Clause 45

(16) *Liabilities of Municipal Councillors, Presidents and officers and servants*

Municipal Councillors and Presidents are now personally liable for misapplication of municipal funds to which they have been a party or which shall have happened through or been facilitated by gross neglect of duty It is necessary to provide not only for misapplication but also for loss or waste of money or other property of the Municipal Council As the Councillors have generally no executive functions to perform unless they are delegated in specific cases, it is proposed to make the Councillors liable for loss, waste or misapplication caused directly by their misconduct In the case of the Executive Officer, Chief Officer or any person on whom executive functions are conferred or to whom such functions are delegated, it is proposed to make them liable for loss, waste or misapplication caused not only by misconduct but negligence also

Clause 48

With a view to prevent sudden strikes and dislocation of essential municipal services, it is considered expedient to require municipal employees engaged for providing such services to give a month's notice before resigning or absenting from their duties and to make the omission so to give such notice penal

(17) *Rules and By-laws*

Section 46 (g), Clause 50 (g)

There is no provision in the Regulation to make rules for authorising payment of compassionate gratuity to surviving relations of municipal employees Necessary provision is made so that the Municipal employees may have the same benefit as Government employees in this respect

Section 46 Proviso (a), Clause 50 Proviso (a)

In order to secure uniformity in regard to levy of taxes by Municipal Councils and matters incidental thereto, it is considered necessary to take power to Government to frame rules in the matter

Section 48 (1), Clause 52 (1) (k) (m) and (r)

Provision is also necessary for numbering and registration of all vehicles liable to municipal taxation, for fixing terminal tax limits and taking measures for regulating the management of public parks and open spaces vested in the Municipal Council

(18) *Functions of Municipal Councils*

Section 56

The purposes for which the Municipal fund may be spent at the discretion of the Municipal Councils are amplified by the addition among others of the following —

Clause 62 (d)

(a) promotion of Co operative Societies for the benefit of municipal employees and of societies whose objects include housing the poor and working classes

Clause 62 (k)

(b) provision of facilities for antirabic treatment,

Clause 62 (q)

(c) provision of telephone service, transport facilities to the public and supply of electricity for lighting and power for public and private purposes,

Clause 62 (r)

(d) maintenance of ambulance service

Clause 62 (e)

Provision of accommodation for any class of municipal servants and of grant of loans to such servants for construction of houses subject to the rules to be prescribed by the Government in this behalf is also included in the discretionary powers in order to make Municipal service more attractive

(19) *Municipal Taxes*

Section 59, Clause 67

The maximum rates of taxes are specified in the body of the existing Regulation in some cases and in the schedules in other cases To secure uniformity, the maximum rates of taxes are fixed in the schedules only

Section 183, Clause 239

It is also considered necessary to enhance the powers of the Chief Officer by allowing him to exercise the powers of the Municipal Council specified in clauses 81, 85 (2) and (3), 91, 95 (3), (4), and (5), 98 (2) proviso, 100, 101, 103, 105, 107 (3), 120, 124, 126, 146, 149, 156, 163 (1), 169, 173 (3), 190 and 191

(26) Powers of the Municipal Commissioner

Section 186 G Clause 248

It is considered necessary to enhance the powers of the Municipal Commissioner The powers of the Municipal Council with regard to the ascertainment and determination of the amount of costs or expenses in disputes provided for in Clause 197 of the Bills and the powers of the Municipal Council to compound offences under Section 161 (A) of the present Regulation are proposed to be conferred on the Municipal Commissioner

Section 186 N, Clause 255

The limit of power of the Municipal Commissioner to enter into contracts without the sanction of the Municipal Council is also raised from Rs 500 to Rs 1,000 in order to avoid frequent references to the Municipal Council

II MINOR MUNICIPALITIES BILL

The existing Regulation is found to be unsuitable to Minor Municipal Councils and these Councils have been excepted from many of the provisions of the Regulation Minor Municipalities do not require elaborate provisions and the provisions to be made may be limited to what are really essential, the remaining provisions being regulated by rules which the Government may prescribe The Minor Municipalities Bill has been prepared, keeping these principles in view The most important changes introduced by the Bill are the following, —

(1) Constitution of Minor Municipalities

Clause 4

The minimum population for constituting an area as a Minor Municipality is fixed at 3,000

(2) Elections

Clause 7

Provision has been made for adult suffrage subject to the condition that in order to be qualified to be a voter, one should have resided in the Municipality for a period of not less than six months prior to the date of election

Clause 11

Munsiffs have been empowered to decide election petitions, appeals being allowed to the High Court from the order of the Munsiff only on points of law

(3) Presidents and Vice-Presidents

Clause 17

The policy as regards the appointment of Presidents and Vice-Presidents, their term of office, the circumstances under which they may be removed and they have to vacate their offices are the same as those provided in the City and Town Municipalities Bills

(4) Executive Officer

Clause 26

The executive power in Minor Municipalities is as heretofore vested in the President who is made responsible for the due fulfilment of the purposes of the Regulation

In order to enable the President to carry out his functions without undue interference, he has been invested with powers independent of the Municipal Council in certain cases *vide* Clauses 26, 34, 69, 79, 81, 82, 83, 85, 89 and 101

(5) Liabilities of the Municipal Councillors and Municipal Officers

Clause 32

As in the City and Town Municipalities Bills, the Councillors who are not invested with executive functions are made liable not only for misapplication but also for loss or waste of Municipal fund or property caused directly by their misconduct The Councillors and other persons who are vested with executive functions or to whom such functions are delegated are made liable for loss, etc , caused by neglect as well as misconduct

(6) Appeals

Clause 46

Appeals are allowed to the Municipal Council from the orders of the President

(7) Control

Clauses 35, 37, 38

In order to provide for prompt remedial measures when emergencies require, the Assistant Commissioner of the Taluk in which the Municipality is situated is given wide powers as regards inspection, supervision and control

Clause 58

As in the Town and City Municipalities, the Deputy Commissioner is empowered to surcharge persons responsible therefor after affording them opportunity to explain

Clause 42

Provision has also been made for investigation by Government of complaints from ratepayers against municipal administration and dissolution of Municipal Councils in cases of necessity

(8) Taxation

Clause 61

Minor Municipal Councils are at present required to impose taxes at a uniform rate throughout the State Town and City Municipal Councils have power to fix and vary the rates of taxes according to their requirements and for this purpose, they have to frame rules which take effect only on sanction of Government being obtained thereto Village Panchayets have power to fix the rates of taxes subject to the maxima prescribed by the Government The power to fix the rates within the maxima approved by the Government and to vary the rates from time to time as may be deemed expedient, is given to the Municipal Councils in the present Bill

Clause 75

In order, however, that the rates may not be fixed unduly low, power has been reserved to the Government to require the Municipal Councils to increase the income by imposing any new taxes or enhancing the rates of existing taxes

Clause 66

Power has also been taken to Government to appoint for each District an Assessor for assessing taxes imposed in the form of a rate on buildings and lands as in the City and Town Municipalities

(9) Rules

Clause 110

Though the existing Municipal Regulation gives power to the Municipal Councils to frame by-laws, many Municipal Councils have not framed by-laws and the administration of Minor Municipal Councils has, to some extent, been hampered by the absence of by-laws It has been considered expedient to take away from the Minor Municipal Councils the power to frame by-laws and to retain in the hands of Government the power to make rules to regulate all matters concerning Minor Municipalities and to prescribe punishments for violation of rules

VII General Principles of the Bill further to amend the Mysore District Boards Regulation, 1926

Under the rules prescribed for the conduct of public servants, Government Servants who are constantly arrested for debt or a moiety of whose pay is constantly being attached or is attached for a sum which in ordinary circumstances cannot be repaid within a period of two years are liable to dismissal This rule is not applicable to the non-official Presidents and Vice Presidents of District Boards Under the present law, Government cannot take action against a non official President or Vice-President even though he is arrested for debt Under the existing District Boards Regulation, such Presidents and Vice-Presidents will be disabled to continue in Office only if they are undischarged insolvents The Committee appointed in June 1931 to prepare a separate Bill for the management of the Municipal affairs of each of the three classes of Municipalities considers that the administration of local bodies should not be brought into contempt by having a President or Vice-President who is heavily in debt and unable to pay his debts and that Government may take power to remove such Presidents and Vice Presidents from Office when an order of attachment in execution of a decree is subsisting against his property for a long time or when an order for his confinement in jail in execution of a decree is in force As this principle is equally applicable to the case of District Boards also, it is proposed to amend the District Boards Regulation in accordance with the views of the Committee and the matter is placed before the Representative Assembly for an expression of their views

VIII General Principles of the Bill further to amend the Mysore Motor Vehicles Regulation, 1928

It has been found during the course of the working of the Regulation that defunct motor bus services often evade recovery of arrears of moneys due by them With a view to facilitate speedy recovery, it is proposed in this Bill to make the procedure provided in the Land Revenue Code for recovery of arrears of land revenue, applicable to the levy of such moneys

C. SUBRAHMANYA AIYAR,
Ex-Officio *Secretary*,
Representative Assembly

WD 742—GPB—400—10 10-31

5

Report of the Committee appointed to prepare Bills for the management of the Municipal affairs in (1) Cities (2) Towns and (3) Minor Municipalities.

---

1. The Committee was appointed in G.O.No.9875-91/Munl. 266-30-1 dated 15th June 1931 to prepare 3 Bills for the management of Municipal affairs in (1) Cities (2) Towns and (3) Minor Municipalities in place of the existing Municipal Regulation.

2. The Committee met on 4 days, viz., 10th, 28th and 29th Sept. 1931 and 3rd Octr. 1931. Mr. T.G. Rama Iyer e pressed his inability to attend the meeting on the 3rd October and Mr.H.C. Dasappa was absent on the 10th Septr. and 3rd October, Mr. H. Venkatramaiya on the 28th and 29th Septr. 31 Messrs. L.Venare ldy, Devappa Gowda and Khan Bahadur Mahomed Abbaskhan could not attend the first meeting, while Dr.D.S.Ramachandra Rao was absent from all the meetings.

3. To facilitate the deliberations of the Committee, three draft Bills incorporating the changes proposed to be introduced in the Bills whose general principles were placed before the Assembly in June 1931, were prepared by the Secrt. and supplied to the members. The Committee scrutinised these Bills and considered that the draft Bills subject to the important modifications shown in the statement appended were generally suitable to meet the requirements of the municipalities to which they are respectively to be made applicable. Three draft Bills as

as revised and approved by the Committee are herewith submitted

4. The Committee considers that the President in the Town Municipalities should be the chief executive officer The Chief Officer should work under the general control and supervision of the President. It is not necessary that he should always be of the grade of a Deputy Amildar or Amildar as the finances of the municipality may not permit the entertainment of a costly official Ordinarily he may be an officer with pay ranging from Rs.60/- to Rs. 80/- per mensem.

5. The Committee feels that the provision in clause 101 empowering town and city municipalities to attach and sell immovable properties of defaulters for non-payment of

municipal dues is not a desirable one to adopt in the present state of municipal administration and that the matter should be left for being dealtwith by the civil courts as heretofore. With regard to the provision for adult suffrage included in clause (7) of the minor Municipalities Bill, the opinion of the ~~non-official~~ members is equally divided. In view of the importance of these amendments, the Committee desires that these may be more fully discussed in the Assembly.

6. In regard to the provision made in sub-clause (3) of clause 221 of the Town Municipalities' Bill, empowering Deputy Commissioners to delegate to Assistant Commrs. their powers of inspection of municipal offices the non-official members of the Committee prefer the Deputy Commissioners themselves doing the inspection of the Town Municipal Offices, when the Municipal Councils are presided over by non-official Presidents.

Similarly with regard to the provision in clause 221 of the City Municipalities Bill, they suggest that the officer authorised to inspect City Municipal Offices should, when there is an official President or a Municipal Commissioner for the Municipality, be higher in rank than the President or the Municipal Commissioner.

7. In order that the points of difference between the provisions in the City Municipalities Bill and the Town Municipalities Bill may be comprehended clearly the provisions which are common for both the classes of Municipalities

have not been repeated in the City Municipalities Bill. This arrangement has been adopted to secure economy in printing and stationery.

10. In consideration of the several important directions in which the administration of the municipalities is likely to improve by the passing of these measures, the Committee recommend that the general principles of these Bills be placed before the Assembly at its next session.

CHAIRMAN.

Report of the Committee appointed to prepare Bills for the management of the Municipal affairs in (1) Cities (2) Towns and (3) Minor Municipalities

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4. The Committee considers that the President in the Town Municipalities should be the Chief Executive Officer The Chief Officer should work under the general control and supervision of the President It is not necessary that he should always be of the grade of a Deputy Amildar or Amildar as the finances of the Municipality may not permit the -- entertainment of a costly official Ordinarily he may be an

an officer with pay ranging from Rs 60 to 80 per mensem.

5. The Committee feels that the provision in clause 101 empowering Town and City Municipalities to attach and sell immoveable properties of defaulters for non-payment of municipal dues is not a desirable one to adopt in the -- present state of municipal administration and that the -- matter should be left for being dealt with by the Civil Courts as heretofore With regard to the provision for adult suffrage included in clause (7) of the minor Municipalities Bill, the opinion of the members is equally divided In view of the importance of these amendments, the Committee desires that these may be more fully discussed in the Assembly.

6. In regard to the provision made in sub-clause (3) of clause 221 of the Town Municipalities' Bill, empowering Deputy Commissioners to delegate to Assistant Commissioners their powers of inspection of Municipal Offices, the non-official members of the Committee prefer the Deputy Commissioners themselves doing the inspection of the Town Municipal Offices, when the Municipal Councils are presided over by non-official Presidents

7 Similarly with regard to the provision in clause 221 of the City Municipalities Bill, they suggest that the officer authorised to inspect City Municipal Offices -- should, when there is an official President or a Municipal Commissioner for the Municipality, be higher in rank than the President or the Municipal Commissioner

8. In order that the points of difference between the provisions in the City Municipalities Bill and the Town Municipalities Bill may be comprehended clearly the provisions which are common for both the classes of Municipalities have not been repeated in the City Municipalities Bill This arrangement has been adopted to secure economy in printing and stationery

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directions in which the administration of the Municipalities is likely to improve by the passing of these measures the Committee recommend that the general principles of these Bills be placed before the Assembly at its next Session.

Sd/- S.P.Rajagopalachari
Chairman.

Sd/-

Sd/- K.Dhanakoti Chetti

Sd/- H K.Madian

Sd/- Mahomed Abbas Khan

Sd/- B Gopalachar

Sd/- B Devappa Gowda

Sd/- J.Mahomed Imam

Sd/- J V Karve

Sd/- Silvester Pais

Sd/- K V Anantharaman

Sd/- H Venkataramiah

Sd/- B Srinivasiengar

Sd/- H V Ramasvami

General principles of the Municipal Bills for the management of municipal affairs in (1) Cities, (2) Towns and (3) Minor Municipalities.

At the last session of the Assembly it was agreed that for the regulation of the affairs of ~~for~~ each of the three classes of municipalities, it was expedient to have a separate Regulation and that a committee be appointed for drafting three separate Bills for the purpose. A committee was appointed for this purpose in June 1931 and the main changes recommended by the committee are placed before the House for an expression of their views.

I. CITY & TOWN MUNICIPALITIES BILLS

The main changes introduced in these Bills are the following —

Reference to existing Regulation & Bills.

Section 7 clauses (5) & (6)

(1) ~~(I) General conditions necessary for constitution of a local area as a Town Municipality~~ Constitution of Town Municipalities

The minimum population for a Town Municipality is fixed at 5,000. In order that areas the population of which falls short of this standard by a few hundreds may not be deprived of the advantages of a Town Municipality, it is provided that local areas which have an annual normal income of Rs.10,000 be also generally constituted as Town Municipalities.

(2) Elected element on Town Municipal Councils.

Section 10 clause (9)

The minimum strength of the elected element on the Town municipal councils is raised from one-half to two-thirds of the

total strength.

(3) Qualifications of voters and candidates.

Sections 11, 12 and 21. clause (10)

The qualifications for voters and candidates have been specified in certain cases in the existing Regulation and the qualifications in other cases are regulated by rules framed by Govt. It is decided to leave the qualifications of voters and candidates to be regulated by rules framed by Govt.

(4) Publication of Election Rolls.

Section 13. clause 11

It is considered unnecessary to annually revise the municipal election roll and publish it every year. It is sufficient if the municipal election roll is prepared only once in three years and opportunity is afforded to persons newly qualified to have their names enrolled at any time except within one month preceding the date fixed for an election.

(5) Disqualification to be Councillor to cease automatically.

Section 15 (1)

clause 12 (1)

Under the existing Municipal Regulation the disqualifications in certain cases will continue to operate unless an order to the contrary is passed by Govt. It is decided to automatically terminate the disqualifications after the lapse of a definite period as in the case of District Board members and to bring the disqualifications into line with the provisions in the Dt Boards' Regulation.

(6) Removal of Councillors.

Section 16
clause ~~(14)~~ 14

It is considered necessary to afford opportunity to councillors to explain at an enquiry before removing them from office.

(7) Election disputes.

Section 22
clause (20)

In order to obviate vexatious complaints it is considered necessary to prescribe that the validity of a municipal election should be disputed by a candidate who stood for election or by at least 10 persons qualified to vote at the election and that a deposit should accompany the application as in the case of elections to the District Boards. Provision is also made for appeals on points of law to the High Court from the orders of the Judge in election disputes. This provision is also made applicable to the election of Presidents by the general body of voters.

It is also considered necessary to debar civil suits in regard to matters relating to appointment or removal of councillors, Presidents or Vice Presidents, except where they are specially provided for.

clause 21

(8) ~~Election of~~ Presidents & Vice-Presidents.

Section 23 ~~(1)~~ 1
clause (22) ~~(1)~~.1

It is decided to leave the appointment of Vice-President to the discretion of the municipal council instead ~~to that~~ of the Government.

Salaried servants of Govt. are specifically made ineligible for election as

Clause 22 (5) Presidents and Vice-Presidents.

Clause 22 ~~(9)~~(9) (9) Vacation of seats by Vice-President on becoming President. ~~There is~~ there is no provision in the existing Regulation declaring that a Vice-President who is elected or appointed as President should be deemed to have vacated his office as Vice-President. It is necessary to afford facilities to other members for ~~by-election~~ being elected as Vice-President by creating a vacancy in the office of the Vice President.

Clause 22 (10) (10) Vacation of offices by elected and nominated Presidents and Vice Presidents. There is no provision in the present Regulation for the automatic vacation of office by elected and nominated Presidents and Vice Presidents. ~~It is~~ When resolutions are passed for their removal it is proposed to provide for such vacation

(a) ~~forthwith~~ when a resolution to that effect is passed at a special meeting by a majority of not less than 2/3rds of the whole number of councillors and

(b) when resolutions to that effect are passed by a majority of not less than one half of the whole number of councillors at two special meetings held within an interval of not less than one month and not more than 4 months.

Section 23 (9)
clause 22 ~~(12)~~(11) (11) Removal of Presidents & Vice-Presidents who are unable to pay their debts. ~~debts~~. Under the rules prescribed for the conduct of public servants ~~the~~ a Govt. servant who is constantly arrested for

debts or a moiety of whose pay is constantly being attached or is attached for a sum which in ordinary circumstance cannot be repaid within a period of two years, is liable to dismissal. This rule is not applicable to non-official Presidents and Vice-Presidents. ~~of Dt. Boards and Municipal Councils.~~ Under the present law, Govt. cannot take action ~~as~~ against a non-official President or Vice President even though he is arrested for debt. Under the existing Regulation~~s~~, such Presidents and Vice-Presidents will be disabled to continue in office only if they are declared insolvent. The administration of the municipal councils will be brought into contempt by having a President or Vice-President who is unable to pay his debts and it is necessary to remove such President~~s~~ and Vice-President~~s~~ from office when an order of attachment in execution of a decree is subsisting against his property for a long time or when an order of his confinement in jail in execution of a decree is in force.

~~Section 183, 184, 186 (g), 186 (j), 186 (n).~~
~~clause 84.~~
See 24
clause 24

(12) <u>Executive powers of Presidents</u>. Under the present Regulation the Chief Officers and Municipal Commissioners exercise certain executive powers of the Municipal Council even without delegation by the Municipal Council In the municipalities for which there is neither a Chief Officer nor a Municipal Commissioner, ~~a~~ the President ~~cannot~~ can exercise these powers ~~in the absence of~~ after delegation by the municipal council and it

is possible for the municipal council in ~~extreme~~ some cases to paralyse the municipal administration by reserving the executive powers ~~in~~ to themselves or delegating them to committees which may not function promptly and properly. To facilitate the executive administration in such municipalities, it is considered necessary to empower Presidents to exercise the powers that might be exercised by the Municipal Commissioners in cities municipalities and by Chief Officers in Town Municipalities.

Section 25 (1)
clause 26 (1)

(13) Powers of Vice-President.

The duties of the Vice Presidents are not at present uniform in all the municipalities. It is proposed to take power to Govt. to define more definitely the powers of the Vice President by ~~rules or~~ orders

Incases ~~w~~ in which the Dy. Commissioner, Amildar or Dy. Amildar is an ex-officio President of the municipal council, it is considered necessary to authorise the Vice-President to exercise the powers of the President when the latter is absent, notwithstanding the provisions contained in Secs. 9 & 13 ofthe Land Rev. Code.

Section 25 (2)
clause 26 (2)

Section 26 (2)
clause 27 (2)

(14) Meetings of municipal councils.

Complaints have reached Govt. of undue delay in summoning special meetings duly requisitioned. Power is therefore given to the Vice President or at least 1/3 of the whole number of councillors to call a special meeting ~~wxkh~~ if the President does not call the meeting for a date not more than 15 days after the presentation of the requisition.

Section 26 (7)
clause 27 (7)

The quorum ~~Chorum~~ of one half for meetings of Town and Minor Municipal councils is large and it is necessary to prescribe a uniform quorum of 1/3 for meetings of all ~~both City and Town~~ Ml. Councils.

Section 26 (14)
clause 27 (16).

Certain officers of Govt. specified in Section 26 (14) (a) of the existing Regulation ~~Regn.~~ have alone the right to attend the meetings of the municipal councils. Power is taken to Govt. to allow any officer notified by the Govt. ~~in~~ in this behalf to attend meetings of Ml. Councils

Clause 42 (5)

Sec. 40, 2 & 4
clause 42, 2 & 4.

15. Contracts. It is necessary to require tl municipal councils to invite tenders for the supply of materials for execution of works when the value exceeds Rs.200 in Town Municiplaities and Rs.500/- in city Municipalities, and to obtain sanction of Govt. to the acceptance of tenders when the cost exceeds Rs 5000/- ~~Rs.500/~~ in town municipalities and Rs.10,000/ in city municipalities.

Section 40(2) & (4)
clause 42 (2) & (4)

The powers of municipal councils in respect of purchase and sale of movable property and in respect of the transfer of immovable property are too low and they are proposed to be raised to Rs.2,000 in the case of city ~~and town~~ municipal ~~m~~ councils and Rs. 1,000/- in the case of other municipal councils.

Section 42
Clause 45.

(16) Liabilities of Municipal Councillors, Presidents and Officers and Servants.

Municipal Councillors, and Presidents are now personally liable for misapplication of municipal funds to which they have been a party or which shall have happened through or being facilitated by gross neglect of duty. It is necessary to provide not only for misapplication but also for loss or waste of mone or other property of the Municipal Council. As the Councillors have generally no executive functions to perform unless they are delegated in specific cases, it is proposed to make the Councillors liable for loss, waste or misapplication caused directly by their misconduct. In the case of the executive Officer, Chief Officer or any person on whom executive functions are conferred or to whom such functions are delegated, it is proposed to make them liable for loss, waste or misapplication caused not only by misconduct but negligence also.

Clause 48.

With a view to prevent sudden strikes and dislocation of essential municipal services it is considered expedient to -- require Municipal employees engaged for providing such services to give a month's notice before resigning or absenting from their duties and to make the omission so to give such notice penal.

(17) Rules and by-laws.

Section 46 (g)
Clause 50 (g)

There is no provision in the Regulation to make rules for authorising payment of compassionate gratuity to surviving relations of municipal employees.

Necessary provision is made so that the Municipal employees may have the same benefit as Government employees in this respect.

Section 46 Proviso (a)
Clause 50 Proviso (a)

In order to secure uniformity in regard to levy of taxes by Municipal councils and --- matters incidental thereto, it is considered necessary to take power to Government to frame rules in the matter.

Section 48 (1)
Clause 52 (1)(k (m) and (z)

Provision is also necessary for numbering and registration of all vehicles liable to municipal taxation, for fixing terminal tax limits and taking measures for regulating the management of public parks and open spaces vested in the Municipal Council.

Section 56.

(18) Functions of Municipal Councils.

The purposes for which the Municipal ~~Council requires~~ fund may be spent at the discretion of the Municipal Councils are amplified by the addition among others of the --- following

Clause 62 (d)

(a) Promotion of co-operative Societies for the benefit of municipal employees and of societies whose objects include housing the poor and working classes

Clause 62 (k)

(b) Provision of facilities for anti-rabic treatment,

Clause 62 (q)

(c) provision of telephone service, --- transport facilities to the public and supply of electricity for lighting and power for public and private purposes,

Clause 62 (r)

(d) maintenance of ambulance service,

Clause (62) (e)

Provision of accommodation for any class of Municipal servants and of grant of loans to such servants for construction of houses subject to the rules to be prescribed by the Government in this behalf is also included in the discretionary powers in order to make --

make Municipal service more attractive.

Section 59
Clause 67

(19) Municipal Taxes.

The maximum rates of taxes are specified in the body of the existing Regulation in some cases and in the schedules in other cases. To secure uniformity the maximum rates of taxes are fixed in the schedules only.

Schedule I of Regulation.
Schedule III of Bill.

The existing maximum rates of tax leviable on motor vehicles are not adequate. The rate on motor buses and lorries is raised to Rs.60 while that on motor cars of 15 cwts and more is enhanced to Rs.40 a year. The maximum rate on bicycles and tricycles in Town Municipalities is reduced from Rs. 6 to Rs.3 a year

Schedule II of the Regulation. Schedule IV of the Bill.

The maximum rates of toll are made independent with those leviable on State Roads and the levy of toll on animals is discontinued. Provision is also made for the levy of terminal tax when Octroi is not levied.

Clause 67.
Proviso (d)

Power is also taken to Government to grant and define by order exemptions from payment of tolls and other taxes in exceptional cases in addition to those given in the Regulation or provided for by the Municipal Councils in the rules.

Clause 71.

It is also considered desirable to --- appoint for each District an Assessor for - assessing taxes imposed in the form of a rate on buildings and lands and towards his pay and allowances and those of his establishment The Assessor will also conduct the revenue audit of Municipalities, the Municipal Councils are required to contribute in proportion to their income.

Section 71
Clause 86 (4) & (5)

Absence of specific provision for composition of tolls is causing a great deal of inconvenience.

inconvenience. Provision is made for ~~occupa-~~ composi-tion of tolls and also of Octroi in order to minimise the inconvenience incidental to the levy of the duty.

P.T.O.

To facilitate collection ~~of taxes~~ of dues, power is given to Municipal Councils to ~~recover arrears of taxes by~~ attach~~ment~~ and sell ~~of~~ immovable property of defaulters, ~~subject to the prior right of Government in respect of land revenue.~~

Section 83 (1)(c)
Clause 101 (1) (c)

Decisions of Magistrates on appeals against notice of demand are not now subject to revision. Provision for revision in these cases is therefore made.

Section 86
Clause 107 (2)

(20) Regulation of Streets and Buildings

No specific provision exists for Municipal Councils to temporarily close public streets for executing works. Necessary provisions is made for this purpose and power is given to Municipal Councils to create ~~fx~~ facilities on such occasions to the people concerned and pay compensation to persons sustaining special damages by such works.

Clauses 110 & 111.

In regard to new buildings, Municipal Councils are given power to impose without any special authorisation by the Government conditions as to materials, dimensions and cubical contents of the rooms, doors and windows and to the number of storeys to be erected or the purposes for which the building is to be used.

Section 96 (2)
Clause 122 (2)

It is proposed to give power to the Municipal Council in the case of new buildings to be constructed on sites not laid out by the Municipal Council or a competent authority to direct that they shall not be ~~proceeded~~ proceeded with until all questions connected with the respective locality of the building and streets

Section 96 (2)
Clause 122 (2)

existing or ~~proposed~~ projected are decided, the direction being in force only for a period not exceeding six months from the date of the direction.

~~12~~(21) Sanitary Matters.

Clause 163.

It is considered necessary to empower Municipal Councils to prohibit the use as a dwelling, of a building or room which is unfit for human habitation if the ~~owed~~ owner or occupier fails to carry out within a reasonable time improvements detailed in a notice served on him.

In the interests of sanitation it is also considered necessary to give power to the Municipal Councils to

Clause 167.

(a) regulate the construction of tanks and ponds, and

(b) to deal with collections of water which are likely to be breeding places of mosquitoes.

Section 151.
Clause 185

Provision is also made for prosecution of nuisances from quarries and cart-stands by bringing them within the scope of the section dealing with nuisances from trades and occupations.

Clause 197.

(22) Power to fix costs.

It is also considered necessary to empower Municipal Councils in cases of dispute to fix the amount of costs or expenses which have to be paid under the Regulation in all cases in which special provision has not been made therefor in the Regulation.

(23) Audit of Accounts.

Section 170
Clause 210.

Audit of the Municipal Accounts by a Government Auditor is made compulsory.

Clause 214.

Power is given to the Deputy Commissioners to surcharge on the report of the Auditor the

the persons responsible for deficiency or loss caused by their negligence or misconduct after affording them opportunity to explain.

(24) Powers in regard to control.

Clause 221.

There is no specific provision for inspection of City Municipal Offices. Power toinspect these offices is given to the Government or ~~xxx~~ any officer authorised by Government in this behalf.

Clause 222

Power is taken to Government to ~~annual~~ annul or amend any proceedings or resolution of municipal Councils or their executive which is not in conformity with law or orders in force after consideration of any representation that may be made by the Municipal Councils.

Section 174
Clause 223 (2)

It is considered desirable that before confirming, revising or modifying the orders Deputy Commissioners suspending ~~xx~~ resolutio of Municipal Councils Government should afford opportunity to the Municipal Councils concerned to show cause against the orders.

Clause 235.

Government officers or other persons who take lawful action on behalf of or in default of Municipal Councils and enter into contracts etc., are also afforded the same protection as is extended to Municipal authorities.

P.T.O.

As Deputy Commissioners find it difficult to inspect the Town Municipal offices themselves it is considered necessary to empower Deputy Commissioners to delegate their power of inspection to Assistant Commissioners.

P T O

(25) Chief Officers.

Section 182.
Clause 236.

In order to provide for satisfactory discharge of executive routine administration, the appointment of Chief Officers is made compulsory, ~~in Municipalities~~ except in special cases where Government consider such appointment as unnecessary. This is necessary as the Municipal Council or the Committe in whom the executive administration is vested under the existing Regulation can do little more than determine questions of policy and the Govt. officers who are ex-officio Presidents in the majority of Municipalities or the non-official Presidents in a few Municipalities cannot be expected to devote minute attention to Municipal matters.

Clause 238.

In order that there may be no clash between the Chief Officer and the President who is the Chief Executive Officer it is provided that the Chief Office should exercise his powers and perform his duties subject to the general control of the President.

Section 183
Clause 239.

It is also considered necessary to enhance the powers of the Chief Officer by allowing him to exercise the powers of the Municipal Council specified in clauses 81, 85 (2) & (3), 91, 95 (3), (4), & (5), 98 (2)—proviso, 100, 101, 103, 105, 107 (3), 120, 124, 126, 146, 149, 156 163 (=), 169, 173 (3), 190 and 191.

It is consid red unnecessary to

~~necessary~~ to provide for appeals from the orders of the Chief Officer to the Municipal Councils as he exercise his powers subject to the control of the President and his powers relate only to routine executive functions.

(26) Powers of the Municipal Commissioner.

It is considered necessary to enhance the powers of the Municipal Commissioner. The powers of the Municipal Council with regard to the ascertainment and determination of the amount of costs or expenses in disputes provided for in Clause 197 of the Bill and the power of the Municipal Council to compound offences under Section 161 of the present Regulation are proposed to be conferred on the - - Municipal Commissioner.

Section 186 G
Clause 248.

Section 186 N.
Clause 255.

The limit of powers of the Municipal -- Commissioner to enter into contracts without the sanction of the Municipal Council is - - also raised from Rs.500/- to Rs.1,000/- in order to avoid frequent references to the -- Municipal Council.

II Minor Municipalities Bill.

The existing Regulation is found to be unsuitable to Minor Municipal Councils and these Councils have been exeepted from ~~may~~ many of the provisions of the Regulation. Minor Municipalities do not require elaborate provisions -- and the provisions to be made ~~by the~~ may be -- limited to what are really essential, the remaining provisions being regulated by rules which the Government may prescribe. The Minor Municipalities Bill has been prepared keeping these principles in view. The most important changes introduced by the Bill are the following:-

(1) Constitution of minor Municipalities.

Clause 4.

The minimum population for constituting an area as a Minor Municipality is fixed at 3,000.

(2) Elections.

Clause. 7.

Provision has been made for adult suffrage subject to the condition that order to be qualified to be a voter, e should have resided in the Municipal

municipality for a period of not less than six months prior to the date of election.

Clause 11.

Munsiffs have been empowered to decide election petitions, appeals being allowed to the High Court from the order of the Munsiff only on points of law.

P-T.O.

(3) Presidents and Vice Presidents.

Clause 17.

The policy as regards the appointment of Presidents and Vice-Presidents, their term of office, the circumstances under which they may be removed and they have to vacate their offices are the same as those provided in the City and Town Municipalities Bills.

Clause 26.

(4) Executive Officer.

The executive power in Minor Municipalities is as heretofore vested in the President who is made responsible for the due fulfilment of the ~~Trustpass~~ purposes of the Regulation.

In order to enable the President to carry out his functions without undue interference, he has been invested with powers independent of the Municipal ~~Cl.~~ Council in certain cases. Vide Clauses 26, 31, 69, 79, 81, 82, 83, 85, 89 and 101.

(5) Liabilities of the Municipal Councillors and Municipal Officers.

Clause 32.

As in the City and Town Municipalities Bills, the Councillors who are not invested with executive functions are made liable not only for ~~misappropriate~~ misapplication but also for loss ~~of~~ or waste of ~~the~~ municipal fund ~~and~~ or property caused directly by their misconduct. The Councillors and other persons who are vested with executive functions or to whom such functions are -- delegated ~~are~~ for losses caused by ~~made liable not only for misconduct but also for neglect.~~ neglect as well as misconduct

(6) Appeals.

Clause 46.

Appeals are allowed to the Municipal Council from the orders of the President.

(7) Control.

Clauses 35, 37, 38.

In order to provide for prompt remedial measures when emergencies require, the - - - Assistant Commissioner of the Taluk in which the Municipality is situated is given wide powers as regards inspection, supervision and control.

Clause 58.

As in the Town and City Municipalities the Deputy Commissioner is empowered to surcharge persons responsible therefor after affording them opportunity to explain.

Clause 42.

Provision has also been made for -- investigation by Government of complaints from ratepayers against Municipal administration and dissolution of Municipal - - Councils in cases of necessity.

P.T.O.

(8) Taxation.

Minor Municipal Councils are at present required to impose taxes at a uniform rate throughout the State. Town and City Municipal Councils have power to fix and vary the rates of taxes according to their requirements and for this purpose they have to frame rules which take effect only on sanction of Government being obtained thereto. Village Panchayets have power to fix the rates of taxes subject to the maxima prescribed by the Government. The power to fix the rates within the maximum approved by the Government and to vary the rates from time to time as may be deemed expedient, is given to the Municipal Councils in the present Bill.

Clause 61.

In order, however, that the rates may not be fixed unduly low, power has been reserved to the Government to require the Municipal Councils to increase the income by imposing any new taxes or enhancing the rates of existing taxes.

Clause 75.

Power has also been taken to Government to appoint for each District an Assessor for assessing taxes imposed in the form of a rate on buildings and lands as in the City and Town Municipalities.

Clause 66.

(9) Rules.

Though the existing Municipal Regulation gives power to the Municipal Councils to frame bye-laws, many Municipal Councils have not framed bye-laws and the administration of Minor Municipal Councils has, to some extent, been hampered by the absence of bye-laws. It has been considered expedient to take away from the Minor Municipal Councils the power to frame bye-laws and to retain in the hands of Government the power to make rules to regulate all matters ---

Clause 110.

matters concerning Minor Municipalities
and to prescribe punisments for ---
violation of rules.

AS
5.10.31

5 10 31

ಪ್ರಜಾಪ್ರತಿನಿಧಿಸಭೆಯ ಸದಸ್ಯಮಹನೀಯರೆ!

ಮುನಿಸಿಪಲ್ ಕಾನೂನಿನ ತಿದ್ದುಪಡಿಗಳನ್ನು ಸಾವಧಾನವಾಗಿ ಪರ್ಯಾಲೋಚಿಸಿರಿ!!

ಜವಾಬ್ದಾರಿ ಸರ್ಕಾರವು ಬೇಕೆಂದು ನಾವೆಲ್ಲಾ ಹಂಬಲಿಸುತ್ತಿಲ್ಲವೆ? ಮುನಿಸಿಪಲ್ ಕೌನ್ಸಿಲಿನಲ್ಲಿರ ಬೇಕಾದ ಪ್ರಜಾಸ್ವಾತಂತ್ರ್ಯವು, ಪ್ರಜಾರಾಜ್ಯಕ್ಕೆ ತಳಹದಿಯಲ್ಲವೇ?

ನಮ್ಮ ಇತರೆ ಸಂಸ್ಥೆಗಳಿಲ್ಲಾ ದಸೆಹೀರಿದಂತೆ ಮುನಿಸಿಪಲ್ ಕೌನ್ಸಿಲ್‌ಗಳಲ್ಲಿ ಅಲ್ಪಸ್ವಲ್ಪ ಸ್ವಾತಂತ್ರ್ಯವಿದೆ, ಅದನ್ನೂ ಕಳೆದುಕೊಂಡುಬಿಟ್ಟರೆ ನಮಗೆ ಉಳಿಯುವದೆನ್ನೇನು? ಜವಾಬ್ದಾರಿ ಸರ್ಕಾರವನ್ನು ಸಂಪಾದಿಸುವದೆನ್ನೆಂತು? ಅಪ್ಪಕ್ಕೇ ಹಾರದವ ಬೆಟ್ಟಕ್ಕೆ ಹಾರ್ಯಾನೊ? ಎಂದು ಮುಂದೆ ಪ್ರಶ್ನೆ ಬಂದರೆ, ಜವಾಬು ಇಲ್ಲವಾಗುತ್ತದೆ

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ಕಷ್ಟವೊ, ನಷ್ಟವೊ—ನಮ್ಮ ನಮ್ಮ ಗೃಹಕೃತ್ಯವನ್ನು ನಾವೇ ನೋಡಿಕೊಳ್ಳುತ್ತಿಲ್ಲವ?

ನಮ್ಮೂರಿನ ಯೋಗಕ್ಷೇಮವನ್ನೂ ಹಾಗೇ ನೋಡಿಕೊಳ್ಳಲಾಗುವುದಿಲ್ಲವೂ? ಇದವಾ, ನೋಡಿಕೊಳ್ಳುತ್ತಾ ಒಂದಿಲ್ಲವೂ?

ನಾವೆಲ್ಲಾ ಅಷ್ಟು ಅಯೋಗ್ಯರೇನು? "ನೀನು ಕೂಸು, ನಿನಗೆ ಬುದ್ಧಿಮಟ್ಟು, ನೀನು ಕೈಲಿಹರಿಯದ ಮಂಕ, ನಾನಿಲ್ಲದಿದ್ದರೆ ನಿನಗೆ ಉಳಿಗಾಲವಿಲ್ಲ! ನಿನಗೆ ದರ್ಪಮೂಗುದಾರವಿರಲೇಬೇಕು— ದೊಡ್ಡ ಹಗ್ಗದಲ್ಲೇ ನಿನ್ನನ್ನು ತಿರುಗಿಸ ಬೇಕು"— ಎಂದು ಮುಂತಾಗಿ ಹೆಜ್ಜೆ ಹೆಜ್ಜೆಗೂ ಹೇಳುತ್ತಾ ಒಂದರೆ, ನಮಗೆ ಅದೇ ಒಂದು ಮಂಕುಎಡಿಯುವದಿಲ್ಲವ? ಧೈರ್ಯ ಕುಂದುವುದಿಲ್ಲವೆ? ಕೈಕಾಲು ಸೋಲುವುದಿಲ್ಲವೆ?

ಪ್ರತಿಕ್ಯಾತನನ್ನು ಸುಂಗಿಬಿಟ್ಟಂದು ಭ್ರಾಂತನಾದ ಕಾವಾಲ ಪುಟ್ಟನ ಕಥೆಯ ನೀತಿ ಏನು?

ಎಷ್ಟು ವಿನಯಸಕ ವಿಶಿಷ್ಟಕ್ಷೇಸ್ಸಿಕೊಂಡಿರುವುದು? ನಾವು ಕಲಸವನ್ನು ಕಲಿಯುವದ್ಯಾವಾಗ? ಸ್ವಪ್ರಯತ್ನದ ರುಚಿ ಎಲ್ಲಿ? ಕಲಿತಿರುವ ಕೊಂಚವನ್ನೂ ಮರೆಯುವದೆಂತಿ ಬಂದರೆ ಮುಂದಿನ ಗತಿ ಹೇಗೆ?

ಜವಾಬ್ದಾರಿ ಸರ್ಕಾರದ ಸೊಲ್ಲೇ ಇಲ್ಲದಂತಾಗುತ್ತದಲ್ಲ!

* * * * * *

ನಮಗ್ಯಾರಿಗೂ ಛಳಿಯ ಭಯವಿಲ್ಲ—ಇದ್ದು ತ್ತಿ ಎಷ್ಟೋದಿನವಾತು

ಅಲ್ಪಸ್ವಲ್ಪ ಅಂಜಿಕೆಯಿದರೆ ನೀರಿಗಿಳಿದಕೂಡಲೇ ಅದೂ ನೀಗುತ್ತದೆ

ಒಲವಂತವಾಗಿಯಾದರೂ ಪ್ರಾಘ್ನಾನ ಮಾಡಿಸಿಯೇ ಬಿಡಬೇಕು -

ಎಂದಾದರೂ ಆಗುವುದು, ಇಂದೇ ಆಗಲಿ! ಕಾಲತ್ಯದರ—ಶಕ್ತರೂ, ಸ್ವಾರ್ಥರಹಿತರೂ, ಪವಿತ್ರ ಚರಿತ್ರರೂ ಆದ ದೇಶಸೇವಕರ ಸಂಖ್ಯೆಯು ಹಚ್ಚುವುದೆಂತು? ಎಂದು?

* * * * * *

1. ಓಟರುಗಳ ಪಟ್ಟಿಗೂ ಉಮೇದುವಾರರ ಲಿಸ್ಟಿಗೂ ಯಾರ್ಯಾರ ಹೆಸರು ಸೇರಬೇಕೆಂಬ ಅರ್ಹತೆಯನ್ನು ನ್ಯಾಯ ವಿಧಾಯಕ ಸಭೆಯಲ್ಲಿ ತೀರ್ಮಾನ ಮಾಡಕೂಡದಂತೆ!

ಕಾರ್ಯಕಾರಿ ಸರ್ಕಾರದವರು, ಅವರಿಗೆ ತೋಚಿದಂತೆ, ಊರು ಊರಿಗೂ ಬೇಕುಬೇಕಾದಾಗ, ಗೊತ್ತುಮಾಡುತ್ತಿರ ಬೇಕಂತೆ!

ಅಂದರೆ—ಇವತ್ತಿಗಿದ್ದದ್ದು ನಾಳೆಗಿಲ್ಲ ನಾಳೆಗಿದ್ದದ್ದು ನಾಳಿದ್ದಿಗಿಲ್ಲ! ಒಂದೂರಿಗಾದದ್ದು ಮತ್ತೊಂದೂರಿಗಿಲ್ಲ! ಯಾವುದಾದರೊಂದು ನೆಲೆ ನಿರ್ಣಯ ಬೇಡವೆ?

ಹೀಗಾದರೆ—ಕಾರ್ಯಕಾರಿಗಳೇ ಶಾಸನಾಧಿಕಾರಿಗಳೂ ಆದರೆ—ನ್ಯಾಯವಿಧಾಯಕಸಭೆ ಏತಕ್ಕೆ? ನಿಮ್ಮ ಪ್ರತಿನಿಧಿ ಗಳು ಅಲ್ಲಿ ಕೂಡ್ರುವುದೇತಕ್ಕೆ?

2 ನಾಮನಿರ್ದೇಶನ ಸದ್ದಿಯನ್ನೇ ತೆಗೆದು ಹಾಕಬೇಕೆಂದು ಎಲ್ಲೆಲ್ಲೂ ಪ್ರಜೆಗಳು ಹಂಬಲಿಸುತ್ತಿರುವಾಗ—ನಮ್ಮ ತಲೆಮೇಲೆ ಬೊಂದರು ಎನಿಸಿಕೊಳ್ಳುವ ಬೊಂಬಾಯಿ ಕಾನೂನಿನಲ್ಲಿ 1/5 ಭಾಗ ಮಾತ್ರ ನಾಮನಿರ್ದೇಶನ ಇರುವಾಗ—ನಮ್ಮಲ್ಲಿ 3 ಭಾಗ ನಾಮಕರಣದಬಗ್ಗೆ ಮುಹಾಪಾಗಿರಬೇಕಂತೆ!

ಒಂದಕ್ಕೆ ಬೊಂಬಾಯಿನ ಮಾದರಿಯು ಬೇಕು—ಕಟ್ಟಿದ್ದರಲ್ಲಿ ಮಧ್ಯಸ್ಥಕ್ಕೆ ಮಾತ್ರ ಏಕೆ ಬೇಡ?

3 ಅಧ್ಯಕ್ಷರನ್ನು ಎಲ್ಲೆಲ್ಲಿಯೂ ಪೌರಸಭೆಯವರೇ ಚುನಾಯಿಸಿಕೊಳ್ಳಲು ಹಕ್ಕಿರಕೂಡದಂತೆ! ಸರ್ಕಾರದವರು ನಾಮಕರಣಮಾಡಬಹುದಂತೆ! ಬೂಂಬಾಯಿನ ಮಾದರಿ ಇದಕ್ಕೆ ಬೇಕಿಲ್ಲವೇನೋ?

4 ಪ್ರತಿಯೊಂದು ಮುನಿಸಿಪಾಲಿಟಿಗೂ ಒಬ್ಬ ಸರ್ಕಾರಿ ಮೇಲಧಿಕಾರಿಯು ಇದ್ದೇತೀರಬೇಕಂತೆ! ಸಂಬಳವಂತೂ ಭಾರಿಯಾಗಿರುವುದು ಕಂದೇ ಇದೆ ದುಡ್ಡು ಹೆಚ್ಚಿ ಹುಳಿತಿರುವ ಮುನಿಸಿಪಾಲಿಟಿಗಳಿಷ್ಟಿವೆ? ಅಷ್ಟೊಂದು ಹಣದ ಮಲಾಮಇದ್ದರೆ, ನಮ್ಮೂರಿನ ಅವಶ್ಯಕ ಅಭಿವೃದ್ಧಿಗಳಿಗೆ ನಾವೇ ಉಪಯೋಗಿಸಿದರೆ ಬೇಡವೆನುತ್ತದೋ?

ಈ ಸರ್ಕಾರಿ ನೌಕರರಮೇಲೆ ಪೌರಸಭೆಯು ಹೆಚ್ಚು ಅಧಿಕಾರ ಚಲಾವಣೆ ಮಾಡುವಹಾಗಿಲ್ಲ ಯಾವಾಗಬೇಕಾದರೂ ಅವರನ್ನು ಸರ್ಕಾರದವರು ಬದಲಾಯಿಸಬಹುದು ಅವರ ದೃಷ್ಟಿಯು ಮುಂದಿನ ಪ್ರಮೋಷನ್‌ಮೇಲೂ ಇರಬಹುದು

ಮತ್ತೊಂದು ಪರಿಣಾಮ—ನೀವು ನಿಮ್ಮ ಸದಸ್ಯರಮೇಲೆ ತಪ್ಪು ಹೊರಿಸುವಹಾಗಿಲ್ಲ ಏನು ಕಡಿದಿರೆಂದು ಕೇಳುವಂತಿಲ್ಲ ಮಾತೆತ್ತಿದರೆ ಕವಿಮಾಷನರನ್ನೂ ಚೀಫ್ ಆಫೀಸರನ್ನೂ ಅವರು ತೋರುತ್ತಾರೆ ಮುಂದಬರುವವರು ಹಿಂದಿನವರ ಮೇಲೆ ಗೂಪಿ ಕೂಡಿಸುವುದು ಎಲ್ಲರೂ ಒಬ್ಬರಮೇಲೊಬ್ಬರು ತಪ್ಪುಹಾಕಿ, ಓರೆಯಾಗಬಹುದು ಮಧ್ಯೆ ಬಡವಾಗುವವರು ನೀವೇ

ಇನ್ನೂ ಒಂದು ವಿಶೇಷ ಸರ್ಕಾರೀ ಆಫೀಸರ ಕೆಲಸವನ್ನು ಕೌನ್ಸಿಲ್ಲಿನವರು ಝಡ್ಡಿಗ ತೆಗದುಕೊಳ್ಳುವಂತಿಲ್ಲ ಎಲ್ಲಾದರೂ ಹಂಗೆ ಆದರ ದಂಡತೆರುವ ಪಕ್ಷವಾತ್ರ ಕೌನ್ಸಿಲ್ಲಿಗ ಉಂಟು ಸರ್ಕಾರಿ ಆಫೀಸರು ತಪ್ಪುಮಾಡಿದರೆ, ನೀವು ಕೌನ್ಸಿಲ್ಲಿನಮೇಲೆ ದಾವಾಮಾಡಬಹುದಂತೆ! ಎತ್ತಿಗ ಜ್ವರಬಂದರೆ ಕೋಣನಿಗ ಬರೆ!!

ನಿಮ್ಮ ಕಲಸವೇನೋ ಸಲೀಸಾಯಿತು—ಕೋರ್ಟಿಗೆ ಅಲೆದಾಟ, ವರ್ಷಾಂತರಗಟ್ಲೆ ತಾರಾಟ, ದುಡ್ಡುಕಾಸಿಗೆ ಒಂದಾಟ

5 ಇತ್ಯಾದಿ—ಇತ್ಯಾದಿ

6 ಕಡೆ ವಿಷಯ ಒಲುಮುಖ್ಯ.

ವರ್ಷಂತಿ ಲದಿವೇಶನದಲ್ಲಿ ಈ ಮಸೂದೆಗಳು ಬಂದಾಗ್ಯೆ ತಾವು ತಕರಾರ್ಮಾಡಿದಿರಿ ತಮ್ಮ ಕರ್ತ್ಯವ್ಯಸುವದಕ್ಕೆ ಒಂದು ಸ್ಪೆಷಲ್ ಕಮಿಟಿಯಾಯಿತು ಇವರ ರಿಪೋರ್ಟು (ವರದಿ) ಎಲ್ಲೋ ಸಿಕ್ಕುವಹಾಗಿಲ್ಲ ಇವರ ಶಿಫಾರಸು ಏನೋ ಗೊತ್ತಿಲ್ಲ ಬಿಲ್ಲುಗಳೇನೋ ಪುನಹಾ ಅಷ್ಟಾಗಿವೆ ಸಭೆ ಸೇರುವದಕ್ಕೆ 2 3 ದಿನ ಮಂಚೆ ನಿಮಗೆ ತಲಪಿವೆ

ವಿಷಯವು ಬಹಳ—ಪ್ರಮೇಯವು ಕಷ್ಟ ನಿಮ್ಮ ಆಜನ್ಮಸಿದ್ಧವಾದ ಹಕ್ಕು ಬಾಧ್ಯತೆಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟದ್ದು ಸುಲಭವಾಗಿ ಸೂರೆಕೊಡುವುದಲ್ಲ-ಸಾವಕಾಶವಾಗಿ ಸಮಾಲೋಚಿಸತಕ್ಕದು

ತಾವೊಬ್ಬರಲ್ಲದೇ, ತಮ್ಮ ಸಭೆಯೊಂದಲ್ಲದೇ ತಮ್ಮೊಡನೆ ಮಹಾಜನರೆಲ್ಲರೂ ಅವಲೋಕಿಸಬೇಕು ಬಿಲ್ಲುಗಳು ಪ್ರಕಟನೆಯಾಗಿಲ್ಲ ನೀವು ತಕರಾರ್ಮಾಡಿದ ಮಸೂದೆಯ ಲೋಪದೋಷಗಳು ಎಷ್ಟರಮಟ್ಟಿಗೆ ಪರಿಹಾರವಾಗಿವೆ ಎಂಬುದನ್ನು ತಿಳಿಯುವುದು ಸುಲಭಸಾಧ್ಯವಲ್ಲ ಯಾವ ಗೋಷ್ವಾರೆಯೂ ಕಾಣುವುದಿಲ್ಲ

ಎಂದಿದರೂ ನ್ಯಾಯವಿಧಾಯಕ ಸಭೆಯಲ್ಲಿ ಚರ್ಚೆಯಾಗುತ್ತದಲ್ಲಾ— ನಾವು ಸದ್ಯಕ್ಕೆ "ಹೂಂ" ಅಂದಿರೋಣ ಎಂದು ಭಾವಿಸಲೂ ಆಗದು. ತಾವು "ಅಸ್ತು" ಅಂದರೆ ಮಸೂದೆಗಳ ತತ್ವವನ್ನೇ ತಾವು ಅನುಮೋದಿಸಿದಂತಾಯ್ತು ತಾವು ಒಪ್ಪರೂ ಒಪ್ಪಲಾರದಂಥಾ ಪ್ರಧಾನತತ್ವಗಳು ಅನೇಕವಾಗಿ ಈ ಮಸೂದೆಯ ತೊಡಕುಗಳಲ್ಲಡಗಿವೆ

ಈಗ ತಾವು ಈ ಮಸೂದೆಗಳ ತತ್ವಗಳನ್ನೊಪ್ಪಿಕೊಂಡುಬಿಟ್ಟಿರಂದರೆ, ನ್ಯಾಯವಿಧಾಯಕಸಭೆಯಲ್ಲಿ ತಮ್ಮ ಪ್ರತಿನಿಧಿಗಳಿಗ ಧರ್ಮಸಂಕಟವನ್ನು ತಾವೇ ಕಲ್ಪಿಸಿದಂತಾಗುತ್ತದೆ ಇದಕ್ಕ ತಾವು ಖಂಡಿತವಾಗಿಯೂ ಒಪ್ಪುವುದಿಲ್ಲ

ಈಗ ಮುಳುಗಿಹೋಗುತ್ತಿರುವುದು ತಾನೇ ಏನು? ಎಲ್ಲೂ ಇಲ್ಲದ ಆತುರವೇತಕ್ಕ?

ವಿಷಯವಿಮರ್ಶೆಗ ವಿರಾಮಸಾಲದೆಂದು ತಾವು ಭಾವಿ, ಮುಂದಿನ ಅಧಿವೇಶನದಲ್ಲಿ ಪರ್ಯಾಲೋಚಿಸತಕ್ಕುದೆಂದು ತಳ್ಳಿದರೂ ಆಯಿತು ಅಥವಾ, ಮುಷ್ಕರಕ್ಕೆ ಒಂದರೆ, ಏಕವಾಕ್ಯತೆಯಿಂದ ಜೂರುಜೂರಾಗಿ ಖಂಡಿಸಿ ತಿರಸ್ಕರಿಸಿದರೂ ಆಯಿತು ಇದು ತಮ್ಮ ಸಾವಧಾನಚಿತ್ತ.

ಆದರೆ ಮಾತ್ರ, ಸ್ಥಳೀಯಸಂಸ್ಥೆಗಳ ಗೌರವತತ್ವಗಳನ್ನೂ ಒಪ್ಪಾದ್ದಾರಿ ಸರ್ಕಾರಪದ್ಧತಿಯ ಪವಿತ್ರ ಧ್ಯೇಯಗಳನ್ನೂ ದಯವಿಟ್ಟು ಕಾಪಾಡಿ! ದಯವಿಟ್ಟು ಕಾಪಾಡಿ!!

ಶ್ರೀ ಸೀತಾರಾಘವ ಪ್ರೆಸ್ ಮೈಸೂರು

General and Revenue Secretariat | File No of 193

Serial No

Preliminary (a) Main points in the Mun bills

I Three bills have been prepared instead of two.

(b) The new Com^ee have made some in changes in the bills -

A few of the more impt provs^ons will be dealt with.

(1) Elected element increased ~~to 1/2 Nomn.~~ + 2/3 in town + City

(2) In regard to Prests + VPs, (a) The origl prov of one year has been recanvassed + left

(b) Vacation of office on 2/3rds majority or two resg by a majority - 3 years

(c) Removal for ~~debts~~ being heavy in debts - ~~last two~~ These changes proved made by new Com^ee

(3) ~~(d)~~ disabilities of Mun Cls: ret^d only for misconduct + not for negligence

(4) Regn of building - a few changes have been made by the new Com^ee

(5) Surcharge prov^n

(6) As regards Executive Officers

(a) certain routine powers have been added to Ch Off^r in Mun Com^n

(b) Chief Off^r will be under the control of the Pres^t

(c) Both removable by 2/3rd majority

~~Ch Off^r~~ in ~~Mun~~ town cls + Mun Com^n in respect of certain. He is already in the present Const^n

NOTE—Contn Sheet

(7) Taxes –

(1) Rates have been relegated to schedules – uniformly –

(2) Power to attach immoveable property – considered undesirable by new Com^{ee} –

(8) Control + Inspection

(a) Govt in other off^{s} authorised to inspect City Cls

(b) D^{t} Cov^{r} can delegate to (+) A C power of insp^{n} of Town Cls

(9) As regards minor Mul Cls

(a) adult franchise + discussion in the assembly –

(b) bye laws to be framed by Govt –

(1) Increase in elected ~~el~~ element

(2) Trests v. P.S. — the year [illegible]

(3) Vacation of office [illegible]

(4) Removal of Trests & P.S.

(5) Liability of [illegible] of Trests & other officers.

(6) Inf. [illegible] — Relief of [illegible] Town [illegible] [illegible]

(7) Rec. in ~~Chester~~ houses —

(a) not laid out

(b) In H H

(8) Surcharge —

(9) Control ✓

(1) No specific power to

(2) [illegible] to [illegible] ~~Cont~~ Town Cl.

(10) Cl. [illegible] to be under the control of

19/10

TOWN MUNICIPALITIES BILL

TOWN MUNICIPALITIES BILL.

References and reasons for changes

A REGULATION FOR THE BETTER MANAGEMENT OF MUNICIPAL AFFAIRS IN TOWNS IN MYSORE

Whereas it is expedient to make better provision for the management of Municipal affairs in towns in Mysore, it is hereby enacted as follows —

CHAPTER I

PRELIMINARY

Short title

1 (1) This Regulation may be cited as the Mysore Town Municipalities Regulation, 19

Local extent

(2) It extends to the whole of Mysore

Commencement

(3) It shall come into force on the first day of,

[Mys 2 modified]

Repeal

2 On this Regulation coming into force, the enactments mentioned in Schedule A shall be repealed in so far as they relate to Town Municipalities Provided that—

Saving clause

(*a*) the said repeal shall not affect the validity or invalidity of anything already done under any of the said enactments ,

(*b*) all Town municipalities constituted, municipal councillors appointed or elected, committees established, limits defined, appointments, rules, orders and bye-laws made, notifications and notices issued, taxes and rates imposed, contracts entered into, and suits and other proceedings instituted, under the said Regulations or under any enactments thereby repealed, shall, so far as may be and so far as they relate to Town Municipalities, be deemed to have been respectively constituted, appointed, elected, established, defined, made, issued, imposed, entered into and instituted under this Regulation and

(*c*) any enactment in force in Mysore, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof

[Mys 3 modified

Interpretation section

3 In this Regulation and in the schedules, unless there be something repugnant in the subject or context—

(1) "Municipal Council" shall mean a Town Municipal Council

(2) "Councillor" shall mean any person legally a member of a Town Municipal Council

(3) "The whole number" shall mean when used with reference to the Councillors of a Municipal Council the total number of Councillors holding office at the time

(4) "Judge" shall mean District Judge, Judge of a Court of Small Causes, Subordinate Judge, or Munsiff

(5) "Municipality" shall mean any local area which is at present a Town Municipality and any local area which may hereafter be constituted or declared as a Town Municipality under sections 4 and 5, if such municipality has not ceased to be a Town Municipality

(6) "Land" shall include land which is built upon or covered with water

[Bom Bor 3 (2)]

(7) "Building" shall include any hut, shed, or other enclosure, whether used as a human dwelling or for any other purpose and shall include also walls, verandhs, fixed platforms, plinths, door-steps, and the like

(8) "Owner" shall include the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account, or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant Provided that no person receiving the rent of any land or building as agent or trustee for another person, shall be liable to do anything by this Regulation required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he have funds of, or due to the owner sufficient to pay for the same, nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of, or due to, the owner sufficient to defray the expense of doing the act required

(9) "Salaried servant of Government" shall not include a retired servant of Government in receipt of a pension, or a person in receipt of a salary from Government who is not a full-time servant of Government

(10) "Official year" shall mean the year commencing on the first day of July

(11) "Annual letting value" shall mean the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon, might reasonably be expected to let from year to year

(12) "Street" shall mean any road, footway, square, court, alley or passage, accessible whether permanently or temporarily to the public, whether a thoroughfare or not, and shall include every vacant space, notwithstanding that it may be private property, and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon, and if it is used by any person as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not, but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid

(13) "Public street" shall mean any street—

(*a*) over which the public have a right of way, or

(*b*) heretofore levelled, paved, metalled, channelled, sewered or repaired, out of municipal or other public funds, or

(*c*) which under the provisions of section 113 is declared by the Municipal Council to be, or under any other provisions of this Regulation, becomes, a public street

(14) "Tax" shall include any toll, rate, cess, fee or other impost leviable under this Regulation

[Bom Bor 3 (12) *Vide* clause 67 (iv)]

(15) "Octroi" shall include a terminal tax

(16) "Nuisance" shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smelling or hearing, or which is or may be dangerous to life or injurious to health or property

(17) "Dangerous disease" shall mean cholera, plague, small-pox, and any endemic, epidemic, or infectious disease by which the life of man is endangered

(18) "Vehicle" shall include bicycles, tricycles and automotor cars, and every wheeled conveyance which is used or capable of being used on a public street

(19) "Public securities" shall mean—

(a) securities of the Government of India,

(b) securities of the Government of Mysore,

(c) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by a law in force in Mysore, or

(d) a security expressly authorised by any order which the Government makes in this behalf

CHAPTER II

Constitution of Municipal Councils

(1) *Municipalities*

[Mys 4 modified]

Delimitation of Town municipalities

4 (1) Subject to the provisions of sections 6 and 7, the Government may, from time to time, by notification in the Official Gazette, declare any local area to be a Town municipality, and may, from time to time, by a like notification, extend, contract or otherwise alter the limits of any municipality, or declare that any local area shall, from a date to be specified in the notification, cease to be a municipality

Limits to be specified in notification

(2) Every such notification constituting a new Town municipality, or altering the limits of an existing Town municipality, shall clearly set forth the local limits of the area to be included in or excluded from such municipality, as the case may be

Erection and maintenance of boundary marks

(3) It shall be the duty of the Municipal Council in every Town Municipality already existing and of every Town municipal Council newly constituted under this Regulation, and of every Town Municipal Council whose local limits are altered as aforesaid, to cause, at their own cost, to be erected or set up, if and when so required by the Deputy Commissioner, and thereafter to maintain, at their own cost, substantial boundary marks of such description and in such positions as shall be approved by the Deputy Commissioner, defining the limits or the altered limits of the municipality subject to their authority, as set forth in the notification

Property and rights of Municipal Council which has ceased to exist to vest in Government

(4) When any local area ceases to be a municipality, the Municipal Council constituted therein shall cease to exist, and the property and rights vested in any such Municipal Council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such Municipal Council had jurisdiction

[Existing Section 5 omitted as unnecessary]

[New]

Clause 5 —This is added to provide for conversion of existing Municipalities from one class to another

Special provision in regard to conversion of Municipalities from one class to another

5 (1) The Government may at any time after consulting the Municipal Council concerned and considering objections, if any, declare by notification in the official Gazette that any Minor or City Municipality which contains a population of not less than five thousand inhabitants or which has an annual normal income of not less than Rs 10,000 shall, with effect from a date to be specified in the notification be deemed to be a Town Municipality constituted under this Regulation and may at any time cancel such declaration

(2) The provisions of the Mysore Minor Municipalities Regulation, 19 , or the Mysore City Municipalities Regulation, 19 , as the case may be, shall not apply to any Municipality declared as a Town Municipality under sub-section (1) with effect from the date specified in the declaration

(3) From the date specified in a notification cancelling a declaration under sub-section (1) in respect of a Municipality it shall cease to be a Town Municipality and the provisions of the Minor Municipalities Regulation, 19 , or the Mysore City Municipalities Regulation, 19 , as the case may be, shall apply to it

(4) Any appointment, notification, notice, tax, order, scheme, license, permission, rule or form made, issued or imposed under the Mysore Minor Municipalities Regulation, 19 , or the Mysore City Municipalities Regulation, 19 , in respect of a Municipality declared as a Town Municipality, so far as is not inconsistent with the provisions of this Regulation, and any appointment, notification, order, scheme, rule, or form made or issued under any other law in respect of such Municipality shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Regulation or of such other law in respect of the Town Municipality constituted by such declaration unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, license, permission, rule or form made or issued under this Regulation or such other law

(5) Before any City or Minor Municipality is constituted into a Town Municipality or before a Town Municipality is changed into any other class of Municipality the procedure prescribed in section 7 shall, as far as may be, be followed

(6) The property, rights and liabilities of a Municipality declared as a Town Municipality under sub-section (1) shall vest in the Municipal Council of the Municipality with effect from the date specified in the notification

Existing Section 6 is omitted as unnecessary

[Mys 7]

Clause 6—The limit of population is raised to 5,000, which is the minimum accepted for Town Municipalities in G O No 3005-55—Ml 132-16-1, dated 16th November 1916 and power is taken to constitute town municipalities for areas whose annual income is Rs 10,000, or more

What local areas may be declared to be Town municipalities

6 (1) Any local area which comprises—

(*a*) a town or station or two or more neighbouring towns and stations, with or without any village, suburb, or land adjoining thereto, or

(*b*) a village or suburb or two or more neighbouring villages and suburbs may be declared a Town Municipality

Provided that, except for exceptional reasons, which shall be clearly set forth in the proclamation under section 7 and in the notification issued under section 4, it shall not be lawful—

(i) to include any town, station or suburb in a Town municipality with any other town, station or suburb from which it is separated by an extent of more than one mile of land unoccupied by houses, or

(ii) to constitute any Town Municipality in any area of which the population is less than five thousand or of which the annual normal income is less than Rs 10,000

Naming of municipalities comprising two or more places

(2) When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government

[Mys 8]

Town Municipalities

7 (1) Not less than two months before the publication of any notification declaring any local area a Town Municipality, or altering the limits of any such municipality, or declaring that any local area shall cease to be a Town

municipality, the Government shall cause to be published in the Official Gazette, in English and Kanarese, and to be posted up in conspicuous spots in the said local area in Kanarese, a proclamation announcing that it is proposed to constitute such local area a Town municipality, or to alter the limits of the municipality in a certain manner, or to declare that such local area shall cease to be a municipality ,as the case may be, and requiring all persons who entertain any objection to the said proposal to submit the same, with the reasons therefor, in writing to the Deputy Commissionerwithin two months from the date of the said proclamation, and whenever it is proposed to add to or exclude from a municipality any inhabited area, it shall be the duty of the Municipal Council also to cause a copy of such proclamation to be posted up in conspicuous places in such area

(2) The Deputy Commissioner shall, with all reasonable despatch, forward every objection so submitted to Government

(3) No such notification as aforesaid shall be issued by the Government unless the objections, if any, so submitted are, in its opinion, insufficient or invalid

Existing Section 8A is omitted and included in clause 5 (5)

(2) *Municipal Councils*

[Mys 9]

8 In every Town municipality there shall be a Municipal Council, and every such Municipal Council shall be a body corporate by the name of " The Municipal Council of—", and shall have perpetual succession and a common seal, and may sue and be sued in their corporate name

Constitution and incorporation of Town Municipal Councils

[Mys 10 modified]

9 (1) Except as is hereinafter otherwise provided, every such Town Municipal Council shall consist of—

(*a*) elected councillors ,

(*b*) nominated councillors, if any, that is to say, such persons as from time to time—

(i) are by name appointed in this behalf, or

(ii) are executing the functions of any office from time to time notified in this behalf, by the Government

Municipal Councils to consist of elected and nominated councillors

Clause 9 (2) —The elected element is raised from one-half to two-thirds Specific provision is made for nominating councillors for default of election at by elections also

(2) The number of elected Councillors shall not be less than two-thirds of the whole number of Councillors , and of the number of nominated Councillors, the salaried servants of the Government, if any, shall not exceed one-half

In specified proportions

Provided that when a president appointed by Government under clauses (*a*) and (*b*) of sub section (2) of section 22 or when a president elected under clause (*d*) of the same sub-section is not a Councillor, the two-thirds of the whole number mentioned in this section shall be exclusive of the president so appointed or elected and the president so appointed or elected shall be an additional Councillor

Clause 9 (3) — c f Bom Bor 9 (2)

(3) Any vacancies due to failure to elect the full number of elected councillors which under this section might be elected and any vacancy due to failure to elect a Councillor under section 16 or 17 may, notwithstanding anything in this Regulation contained, be filled up by nomination by the Government

not mentd. in G^L Principle

[Mys 11 modified]
[c f Bom Bor 10]

10 The Government shall, from time to time, generally or specially, for each Municipal Council—

Government may determine the number of councillors , fix proportion of elected and nominated councillors , and make rules for regulating elections

Clause 10 —It is not usual to issue rules for fixing the number of councillors and it is necessary to reserve power to the Government to pass orders for regulating the description, number and extent of constituencies

(*a*) determine the number of councillors ,

(*b*) fix, subject to the provisions of the last preceding section, the proportion of the councillors, if any, who shall be nominated ,

(*c*) fix the number of councillors to be elected in the Municipality and by the several constituencies, if any ,

Prescribing the qualifications for voters and candidates in certain cases in the Regulation in addition to those that may be prescribed in the rules is unnecessary The matter is left to be regulated by rules to be framed by Government

(*d*) issue orders for regulating the description, number and extent of constituencies for election of councillors,

(*e*) make rules consistent with this Regulation for—

(i) fixing the dates and the time and manner of holding elections, general or casual, of councillors to be elected,

(ii) prescribing the qualifications of voters and of candidates.

(iii) preparing and revising the lists of voters from time to time, fixing the date after which no application for enrolment in any such list under preparation or revision shall be received, declaring the manner in which the right to vote of any undivided family, or any company or firm or any other association or body of individuals, or any trustees of any building or land, being two or more in number, entered in such list, may be recorded and exercised and prescribing the restrictions, if any, on the number of votes which a voter may give,

(iv) determining the manner in which and the authority by whom any objection to such lists in regard to the names entered therein or omitted therefrom may be heard and decided, and to what authority the appeals as to such entries and omissions shall lie,

(v) prescribing the date, subject to the provisions of sub-section (1) of section 11 for the publication of the Municipal Election Roll,

Existing section 12 is omitted as the qualification of candidates and voters may be regulated by rules

(vi) Regulating generally elections of councillors and other matters incidental or ancillary thereto including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited

[Mys 13 modified]
[c f Cal 25 Bengal Municipal Election rule 11 and Rangoon Election rule 11]
Clause 11 —It is not necessary to revise the election roll and publish it every year The roll may be published once in three years Provision once is also made for inclusion of new names on applications and for correction of lists from time to time

Operation of lists

11 (1) When in accordance with the rules framed under clause (*e*) of section 10 a list of voters has been prepared, or upon a general revision completed, a copy thereof signed by such person as may be designated in this behalf in the rules aforesaid, shall be the Municipal Election Roll The Election Roll shall come into force from the date of its publication and shall continue in force for a period of three years or for such less period, if any, as the Government may by order direct in any case, and after the expiration of such period, a new Election Roll shall be published

Provided that

(*a*) in the case of an election held after an Election Roll has ceased to have force and before the publication of the new Election Roll, the old Election Roll shall continue to operate as the Election Roll

(*b*) At any time any person whose name is not in the Election Roll and who claims to have it enrolled may apply to the Municipal Council to enter his name therein and the Municipal Council shall enter in the Election Roll the name of every such person whose claim is proved to their satisfaction

(*c*) The Municipal Council shall at any time expunge from the Election Roll the name of every person proved to their satisfaction to be dead or no longer to possess the qualification of a voter and may likewise correct any clerical error or omission in the Election Roll after affording the person affected an opportunity of being heard

(*d*) No change in the Election Roll shall be made under provisos (*b*) and (*c*) within one month preceding the date fixed for an election

(2) At every election of councillors every person enrolled in the Municipal Election Roll as for the time being in operation under sub-section (1) shall be deemed to be entitled to vote, and every person not so enrolled shall be deemed to be not entitled to vote

Right to vote to depend on entry in Roll

(3) A person shall not be qualified to be elected as a Councillor unless he is enrolled in the Municipal Election Roll and a person who is already a Councillor shall not be qualified to be a candidate at a bye-election held before his term of office as Councillor expires

Enrolment in Municipal Election Roll necessary for elected Councillor

Provided that if any company, body corporate or other association of individuals is enrolled in the Municipal Election Roll, any one person who is authorised in writing in this behalf by such association to represent it and who is not subject to any of the disqualifications under this Regulation, shall be deemed to be qualified to be elected a Councillor

Representative of Association

Existing Section 14 is omitted as unnecessary

[Mys 15]
[cf Dt Bd. 10]
Clause 12 (1)—The disqualification in certain cases is made to cease after the lapse of a definite period automatically Some slight changes are also made to bring the disqualifications into line with those prescribed in the District Boards' Regulation and the Bom Bor Act

(3) *Municipal Councillors*

12 (1) No person may be a councillor,—

General disqualifications for becoming a councilor

(*a*) (*i*) who has been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or

(*ii*) who is a person against whom an order has been passed under Section 118 of the Code of Criminal Procedure, 1904, as amended from time to time, in proceedings instituted under Section 110 of that Code, such order not having been subsequently reversed or quashed, or

(*iii*) who has been dismissed from Municipal, District Board or Government service, such dismissal having been notified as debarring him from re-employment, or

(*iv*) who was a legal practitioner whose sannad has been withdrawn by the High Court, or

(*v*) who has been removed from office under Section 14, or

(*b*) who is an undischarged insolvent, or

(*c*) who is less than twenty-one years of age, or

(*d*) who is a Judge,

and no person,

(*e*) who is a subordinate officer or servant of a Municipal Council, or

(*f*) who save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a Municipal Council, or in any contract or employment with or under, or by or on behalf of a Municipal Council

may be a member of such Municipal Council

Provided that—

(*a*) the disqualification in sub-clause (*ii*) will cease to operate after expiry of the period during which a person is ordered to furnish security and

(*b*) the disqualification in sub-clauses, (*i*), (*iii*), (*iv*) and (*v*) of clause (*a*) will cease to operate after expiry of three years from the date of such sentence, dismissal, withdrawal or removal or earlier by an order of the Government

(c) a person shall not be deemed to have incurred disqualification under clause (f) by reason of his—

(i) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or

[cf Mys D Bd 11]

(ii) having a share or interest in any joint-stock company otherwise than as a managing director or agent or in any literary association registered under the Societies Registration Regulation, 1904, or in any society registered under the Mysore Co-operative Societies Regulation, 1918, which shall contract with or be employed by, or on behalf of, the Municipal Council, or "

(iii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Municipal Council may be inserted, or

(iv) holding a debenture or being otherwise interested in any loan raised by or on behalf of the Municipal Council, or

(v) being professionally engaged on behalf of the Municipal Council as a legal practitioner or

(vi) having a share or interest in the occasional sale of any article in which he regularly trades, to the Municipal Council to a value not exceeding, in any one official year, such amount as the Municipal Council, with the sanction of Government, may fix in this behalf, or

[Bom Bor 12 (3) vii]

(vii) having a share or interest in the occasional letting out on hire to the Municipal Council or in the hiring from the Municipal Council, of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the Municipal Council with the sanction of the Government may fix in this behalf, or,

(viii) being a party to any agreement made with the Municipal Council under the provisions of section 86 or of proviso (a) to sub-section (1) of section 192

If any person is elected or nominated as a Councillor in contravention of the above provisions, his seat shall be deemed to be vacant

(2) If any Councillor during the term for which he has been elected or appointed—

[Bom Bor 28]

Clause 12 (2) (b) (i) —This removes a doubt felt as to whether a councillor having an interest in the purchase of an article of value less than that fixed by the Municipal Council and voting for the sale of the same is disabled from continuing in office An addition has been made so as to cover any personal interest, whatever the amount may be

Disabilities from continuing a councillor

(a) becomes subject to any disqualification specified in sub-section (1) or

(b) votes or takes part as a councillor in the discussion of any matter—

(i) in which he has directly, or indirectly, by himself or his partner, any such share or interest as is described in sub-clauses (i), (ii), (iii), (vi) or (viii) of clause (c) of the proviso to sub-section (1), whatever may be the value of such share or interest, or

(ii) in which he is professionally interested on behalf of a principal or other person, or

(iii) in which he is engaged at the time in any proceeding against the Municipal Council, or

(c) departs beyond the limits of Mysore with the declared or known intention of absenting himself continuously for a period exceeding six months, or

(d) by becoming a salaried servant of Government causes the number of nominated councillors who are salaried servants of Government to exceed the proportion prescribed in sub-section (2) of section 9 or

[cf Dt Bd 26 and Bom Bor 28 (1) (a)]

(*e*) not being a President or Vice-President or a salaried servant of the Government, absents himself during four successive months from the meetings of the Municipal Council, except with the leave of the Municipal Council, or

(*f*) fails to pay any arrears of any kind due by him to the Municipal Council within three months after special notice in this behalf has been served upon him,

he shall be disabled from continuing to be a councillor, and his office shall become vacant

Clause 12 (2), last para — It is not expedient to allow a member who has lost his seat for absenting himself from meetings to stand as a candidate at a bye election held to fill his seat

A Councillor whose office has become vacant under clauses (*a*) to (*d*) and (*f*) of this sub-section shall, if his disability has ceased, be eligible for re-election or re-appointment,

(3) If any question or dispute arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question or dispute

Power of Government to decide whether vacancy has occurred

[Mys 15 A]
Note —Reference to City Municipalities is omitted

13 A Councillor or a Vice-President may resign his office by giving notice in writing to that effect to the President and such resignation shall take effect from the date of the notice The President may resign his office by giving a notice in writing to that effect, to the Deputy Commissioner If such resignation is accepted it shall take effect from the date on which the intimation of such acceptance reaches the office of the President

Resignation

[Mys 16 & V P 14]
Clause 14 —It is desirable to give the councillor an opportunity of being heard and to hold an enquiry, if necessary

14 The Government, if it thinks fit, on the recommendation of the Municipal Council may remove any councillor elected or appointed under this Regulation, after giving him an opportunity of being heard and after such enquiry as it deems necessary, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor

Liability to removal from office

[Mys 17]

15 Councillors nominated or elected at a general election under this Regulation shall, save as provided in the next following section, or unless they become in the meantime disabled or are removed from office under section 14, or section 231, hold office for a term of three years, extensible by order of the Government to a term not exceeding in the aggregate four years if on any occasion the Government shall think fit, for reasons which shall be notified together with the order in the Official Gazette, so to extend the same

Term of office

[Mys 18 and Bom Bor 29]
Clause 16 —The reasons for the vacancy are given in more detail

16 Where a vacancy occurs through the non-acceptance of office by a person elected or appointed to be a Councillor, or through such person being disqualified for becoming a Councillor, or through any election being set aside under the provisions of sub-section (2) of section 20, or through the death, resignation, removal or disability of a councillor previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or appointed would have held it if the vacancy had not occurred

Casual vacancies how to be filled up

[Mys 18A]

17 In the event of a vacancy occurring by increasing the number of Councillors in any Municipal council under section 10 (*a*) such vacancy shall be filled up, as soon as conveniently may be, by the election or appointment as the case may be, of a person thereto who shall hold office till the next general election or for such period as Government may in this behalf notify in the gazette

[Mys 19]

18 A person who has already been elected or appointed a councillor on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment

Re-e[redacted] of coun[redacted]

[Mys 20 modified]
Clause 19 —Provision has been made for the publication of the names of Presidents and Vice-Presidents in the Gazette

19 The names of all councillors finally elected to any Municipal Council as well as the names of the nominated councillors, if any, appointed thereto, and the names of all elected or appointed Presidents and Vice-Presidents shall be published as soon as conveniently may be, in the Official Gazette

Publication of names of councillors and Presidents and Vice Presidents in the official Gazette

(4) *Municipal Elections*

Existing Section 21 is omitted as the matter may be regulated by rules *Vide* clause 10
[Mys 22 modified cf Dt Bd 14 (1)]

20 (1) At any time within ten days after the date of the declaration of the result of an election of a Councillor or of a President under Clause (*d*) of sub-section (2) of section 22, any candidate who stood for election or any ten persons qualified to vote at that election, may apply, together with a deposit of *fifty rupees* as security for costs to the District Judge of the District within which the election has been or should have been held for the determination of the validity of the election

Determination of validity of elections enquiry by Judge s Procedure

Clause 20 —In order to obviate vexatious complaints it is prescribed that the validity of the election should be disputed by at least 10 persons qualified to vote and that a deposit should accompany the application This clause is also made applicable to the election of Presidents by the general body of voters Provision is also made for appeals on points of law to High Court from the orders of the Judge in election disputes

(2) The District Judge or such other Judge as may be appointed by the Government in this behalf may, after such inquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside For the purpose of the said enquiry, the said Judge may summon or enforce the attendance of witnesses and compel them to give evidence as if he were a Civil Court and he may also direct, by whom the whole or any part of the costs of such enquiry shall be paid If the costs are to be paid by the candidate whose election is contested, the whole of such costs and if the costs are to be paid by the petitioner or petitioners, such portion if any, of the costs as is in excess of the sum paid at the time of the presentation of the application, shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure The Code of Civil Procedure shall, as far as possible be followed in such enquiries An appeal shall lie to the High Court from the order of the Judge, provided it is only on a point of law and is preferred within one month from the date of such order exclusive of the time requisite for obtaining a copy of the order If the Judge sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh one

(3) (*a*) The Judge, if satisfied that a candidate has, within the meaning of sub section (4), committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected

Declaration in case of corrupt practice by a candidate

(*b*) If in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour, to have been duly elected

Scrutiny of votes and declaration in other cases

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it

(4) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section,— **What is a corrupt practice**

(i) who with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or

(ii) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election **Candidate when deemed to have committed corrupt practice**

EXPLANATION —A "promise of individual profit" includes a promise for the benefit of the person himself, or of any one in whom he is interested It does not include a promise to vote for or against any particular municipal measure **Promise of individual profit**

(5) If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrying out the rules made under clause (*e*) of section 10 or clause (*d*) of sub-section (2) of section 22 or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election **Mere irregularities and informalities not to invalidate election**

Explanation —The expression 'error' in this clause does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Regulation or Rules made thereunder whereby the result of election has been materially affected

(6) If the Judge sets aside an election under clause (*a*) of sub-section (3), he may if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate for the office of a councillor or President or both in that or any other municipality for a term of years not exceeding seven and the Judge's decision shall be conclusive **Disqualification of candidate for corrupt practice**

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made Provided, however, that such person may, by an order which the Government is hereby empowered to make, if it shall think fit, in that behalf, be at any time relieved from such disqualification

[c f Rang 16]
Clause 21 —This provides for barring Civil suits in respect of appointment or removal of councillors, Presidents or Vice Presidents unless they are specially provided for

21 No suit shall be entertained by a Civil Court in respect of any matter relating to the election, appointment, or removal of a Councillor, President or Vice-President unless such suit is authorised by the provisions of this Regulation or any rule made under this Regulation

Presidents and Vice-Presidents

[Mys 23 modified]
Clause 22 —The Municipal Council may decide whether they wish to have one or more Vice-Presidents

22 (1) For every Municipal Council there shall be a President, and if and whenever the Municipal Council so desire, one or more than one Vice-President Where there are more Vice-Presidents than one, the Government may direct which of them is the senior for the purpose of this Regulation **Every Municipal Council to have a President and if the Municipal Council so desire, one or more Vice Presidents**

(2) The President may be—

(a) appointed by the Government by name, or

(b) appointed by the Government *ex-officio*, that is to say, as executing the functions of any office which the Government, from time to time, notifies in this behalf, or

(c) if the Government so directs, elected by the councillors from among their number in accordance with such rules and conditions as may be prescribed by Government in this behalf, or

(d) if the Government so directs, elected by persons entitled to vote under Section 11 subject to such rules and conditions as may be prescribed by the Government in this behalf

President be appointed or elected

(3) When an office has been notified under clause (b) of sub-section (2), the person from time to time executing the functions of that office shall continue to be President, unless and until such notification is altered or rescinded by the Government

Effect of notification of *ex officio* President

(4) The Vice-President shall be elected by the Councillors from among their number in accordance with such rules and conditions as may be prescribed by Government in this behalf

Provided that the Government may, for special reasons and in the case of such Municipal Councils as it may deem fit, appoint the Vice-President by name

Vice President to be elected except when appointed by Government

[New]

Clause 22 (5)—Salaried servants of the Government are made ineligible for election as Presidents and Vice-Presidents and power is taken to Government to appoint them in default of election

(5) No salaried servant of the Government shall be eligible for election as President or as Vice-President of any Municipal Council, and the election of any such servant in contravention of the provisions of this sub-section shall be void If any Municipal Council fail to elect a President or Vice-President within such reasonable time as may be specified in a notice issued by the Government in this behalf, the President or Vice-President, as the case may be, may be appointed by the Government

Salaried servants of Government ineligible for election

Clause 22 (6)—Provision is made for the Deputy Commissioner or the person performing the duties of the Deputy Commissioner or the Amildar or the person performing the duties of the Amildar, as the case may be, performing the functions of the President during vacancies in the office of the President to carry on the executive functions

(6) During a vacancy in the office of the President of a Municipal Council and when there is no Vice-President to take his place, the Deputy Commissioner or the person performing the duties of the Deputy Commissioner for the time being in the case of municipalities at District Headquarters or the Amildar or the person performing the duties of the Amildar for the time being in the case of other Municipalities, shall notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder, perform the functions of the President

When Deputy Commissioner and Amildar may perform functions of President

Clause 22 (7)—As the discretion to have a Vice President is given to the Municipal Council, leave in the case of the Vice President may be granted by the Municipal Council

(7) Except in the case of a salaried servant of a Government who is either an appointed or *ex-officio* President, every President who, for a period exceeding two months and every Vice-President who for a period exceeding one month shall absent himself from the Municipality in such manner as to be unable to perform his duties as such President or Vice-President, shall cease to be President or Vice-President unless leave so to absent himself has been granted—

(a) by the Government in the case of a President appointed by Government,

(b) by the Municipal Council in other cases

Consequence of absence of President or Vice President without leave

(8) Leave under the last preceding sub-section shall not be granted for a period exceeding six months Whenever leave is granted to a President and there is no Vice-President for the Council or the office of the Vice-President is vacant, the vacancy shall be filled up by election by the Council from among the Councillors whether the President was elected under clause (c) or (d) of sub-section (2),

Limit of grant of leave and arrangements during leave

within such period and in such manner as may be prescribed by rules framed by Government in this behalf It the Council fail to elect the President or if the appointment of the President was under clause (*a*) of sub-section (2) the Government may fill up the vacancy When leave is granted to a Vice-President or when he is acting for the President, the vacancy may be filled up by appointment or election, as the case may be, of some other Councillor thereto

[Mad 12 (5)]
Clause 22 (9) —It is not desirable to allow the same person to be both the President and Vice-President

(9) If a Vice-President of a Municipal Council is elected or appointed as President of the Council, he shall be deemed to have vacated his office as Vice-President

Vacation of office by Vice President on becoming President

[Mad 40A (4)]
Clause 22 (10) —This provides for the automatic vacation of office by Presidents and Vice-Presidents

(10) (*a*) Every elected, nominated President or Vice-President of a Municipal Council shall forthwith be deemed to have vacated his office if a resolution for his removal is passed

Vacation of office by President and and Vice President

(*a*) by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose, or

(*b*) if resolutions for his removal are passed by the votes of not less than one-half of the whole number of councillors at two special general meetings convened for the purpose within an interval of not less than one month and not more than four months from each other

(11) Every President and Vice-President shall, after an opportunity is afforded for hearing him, be removable from his office as such President or Vice-President by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts,

Removal of Presidents and Vice Presidents

Explanation —A person may be presumed to be unable to pay his debts if (*a*) he is under arrest or imprisonment in execution of the decree of any court for the payment of money or (*b*) an order of attachment in execution of such a decree has been made and is subsisting against his property

(12) The term of office of every President and of every Vice-President shall, save as otherwise provided in this Regulation, cease on the expiry of his term of office as councillor

Term of office of President and Vice President

[Bom Bor 23]

(13) In the event of the non-acceptance of office, death, resignation or removal from office of a President or Vice-President other than an *ex-officio* President or of his election or appointment being void, or of his becoming incapable of acting in such office or having ceased to be a councillor under sub-section (2) of Section 12, previous to the expiry of his term of office as President or Vice-President, the vacancy shall be filled up by appointment or election, as the case may be, in accordance with the provisions of the foregoing sub-sections For all the vacancies which are not otherwise provided for, the Government may appoint any person to perform all the duties and exercise all the powers of a President or Vice-President during such vacancy

Vacancies in their office how to be be filled up

(14) The President or Vice-President of any Municipal Council who is not a Government Officer may receive out of the Municipal Fund such monthly salary or allowances as such Municipal Council may sanction from time to time with the approval of Government It shall be lawful for any Municipal Council to pay out of the Municipal Fund with the sanction of Government salary or allowances to any Government Officer who is appointed as President or Vice President

Remuneration of President and Vice President of Municipal Council

[Mys 23 A]
Sub-section (2) of existing section 23A is omitted as it relates to City Municipalities

23 Except as in this Regulation otherwise expressly provided, the Municipal Government of a Municipality vests in the Municipal Council

Municipal Government to vest in the Municip Council

[Mys 24 modified]
[Bom Bor 31]

24 (1) Subject to the provisions of sub-section (2), it shall be the duty of the President of a Municipal Council to—

Functions Presidents

(*a*) preside, unless prevented by reasonable cause, at all meetings of the Municipal Council, and, subject to the provisions of the rules for the time being in force under clause (*a*) of section 50, to regulate the conduct of business at such meetings ,

(*b*) watch over the financial and executive administration of the Municipal Council ,

(*c*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under and in accordance with this Regulation ,

(*d*) subject to the provision of section 37 and of the rules for the time being in force, perform such other executive functions as may be performed by or on behalf of the Municipal Council over which he presides ,

(*e*) exercise supervision and control over the acts and proceedings of all officers and servants of the Municipal Council in matters of executive administration and in matters concerning the accounts and records of the Municipal Council , and, subject to the rules for the time being in force, to dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances ,

(*f*) furnish to the Deputy Commissioner or to such other officer as the Deputy Commissioner shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the Municipal Council and any extract from the minutes of the proceedings of the Municipal Council or of any committee or other document or thing which the Deputy Commissioner or the officer authorised by the Government in this behalf from time to time calls for under section 220

(2) In a Municipality for which there is a Chief Officer, the Chief Officer shall subject to the control of the President perform and exercise the duties and powers of the President specified in clauses (*b*) and (*f*) of sub-section (1) of this section, and in clause (*e*) of the same sub-section in regard to servants of the Municipal Council in the inferior service and he may subject to the control of the President and to the provisions of section 42,

(*a*) enter on behalf of the Municipal Council into contracts which do not involve an expenditure of over Rs 50 , and

(*b*) invite, on behalf of the Municipal Council and by public notice, tenders for the execution of any approved work or for the supply of any materials or goods required by the Municipal Council

(3) In a Municipality for which there is no Chief Officer, the President shall, notwithstanding anything contained in Chapter XIII and independently of such executive functions as are allotted to him by, or delegated to him under any other provisions of this Regulation, exercise all the powers that may be exercised by a Chief Officer in the Municipality

[c f Mad City 10]
Clause 25 —There is no specific provision as regards the responsibility for the

25 The President, shall be responsible for the custody of all records of the Municipal Council including all papers and documents connected with the proceedings of the Council, the Managing Committee and other committees, and shall

Custody of records

custody of the records Under clause 24 (1) (c) the President exercises supervision and control only in matters concerning the records of the Municipal Council The responsibility is proposed to be fixed by this clause

arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose

[Mys 25]

Clause 26 (1) —When a Deputy Commissioner, Amildar or Deputy Amildar is an *ex-officio* President of the Municipal Council it is considered expedient to allow the Vice President to perform the duties of the President when the latter is absent on leave or for any other reason, notwithstanding sections 9 and 13 of the Land Revenue Code Power is also taken to Government to issue orders so as to define the duties of the Vice-Presidents definitely

Functions of Vice Presidents

26. (1) It shall be the duty of a Vice-President of a Municipal Council to exercise such of the powers and perform such of the duties of the president as the President from time to time deputes to him in accordance with the general or special orders of Government issued in this behalf

(2) Notwithstanding anything contained in sections 9 and 13 of the Mysore Land Revenue Code in regard to the Deputy Commissioner or the Amildar or the Deputy Amildar who may be *ex-officio* President of a Municipal Council, it shall be the duty of the Vice-President, or, if there are more Vice-Presidents than one, of the senior Vice-President present,—

(*a*) in the absence of the President and unless prevented by reasonable cause, to preside at the meetings of the Municipal Council, and he shall, when so presiding exercise the same authority as is vested in the president under clause (*a*) of sub-section (1) of section 24, and

(*b*) pending the succession, appointment, or election of a president, or during the absence of a President on leave, to exercise the powers and perform the duties of the President

CHAPTER III

Conduct of Business

Municipal Meetings

Provisions in regard to meetings of a Municipal Council

27 The following provisions shall be observed with respect to the meetings of a Municipal Council —

[Mys 26 modified]

Ordinary general meetings

(1) There shall be held an ordinary general meeting in each month for the disposal of general business It shall be the duty of the President to fix the dates for all ordinary general meetings

[c f Bom Bor 35 (2)]

[*Clause* 27 (2) —Provision has been made for meeting cases of undue delay in summoning a special meeting

Special general meetings

(2) The President may, whenever he thinks fit, and shall upon the written request of not less than one-third of the whole number of councillors, and for a date not more than fifteen days after the presentation of such request, call a special general meeting If the President fails to call a special general meeting as provided in this sub-section, the Vice-President or at least one-third of the whole mumber of councillors may call such meeting for a day not more than thirty days after the presentation of such request

[Bom Bor 35 [(3) (2)]

Clause 27 (3) —As absence from meetings may entail a penalty, a Councillor who may be absent from home when notice of meeting is circulated should have due intimation of the time and place of meeting

Notice to be given of meetings

(3) Seven clear days' notice of an ordinary general meeting, and three clear days' notice or in cases of great urgency, notice of such shorter period as is reasonable of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be given to the councillors, and posted up at the municipal office or some other public building in the municipality The said notice shall include any motion or proposition which a councillor shall have given written notice, not less than ten days previous to the meeting, of his intention to bring forward thereat, and, in

the case of a special general meeting, any motion or proposition mentioned in any written request made for such meeting

Clause 27 (3)—Proviso — This makes it clear that a motion or proposition which a Councillor proposes to move at a meeting should relate to matters connected with the Municipal administration

Provided that the motion or proposition of which a Councillor or Councillors shall have given notice shall relate to matters connected with the Municipal Administration and shall not be inconsistent with the provisions of this Regulation

Municipal meetings to be held at Municipal Office

(4) Every meeting of a Municipal Council shall, except for reasons to be specified in the notice convening the meeting, be held in the building used as a municipal office by such Municipal Council

Every meeting how presided over in the absence of the President and Vice President

(5) Every meeting shall, if there be no President or Vice-President present, be presided over by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion, and such chairman shall exercise thereat the powers vested in the President by clause (*a*) of sub-section (1) of section 24

Meeting must ordinarily be open to the public

(6) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the Municipal Council such as should be held in private, and provided that the said authority may at any time cause any person to be removed who interrupts the proceedings

[New c f Dt Bd 29 (2) (c)]

Clause 27 (7) —A smaller quorum for conduct of business at meetings and a small quorum for adjourned meetings are prescribed Some time should be allowed before a meeting is adjourned for want of a quorum It is not desirable to go on adjourning meetings and disposing of business at such meetings Provision has been made for lapse of subjects not disposed of at the first adjourned meeting

Number of councillors required to form a quorum

(7) If less than one-third of the whole number of councillors be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall, after waiting for not less than fifteen and not more than thirty minutes, adjourn the meeting to such hour on the following or some other future day as he may reasonably fix, and a notice of such adjournment shall be fixed up in the municipal office, and the business which would have been brought before the original meeting had there been a quorum therat, shall be brought before the adjourned meeting and may be disposed of at such meeting

Provided that not less than one-fifth of the whole number of councillors or five councillors whichever is greater be present Any subject not disposed of at such an adjourned meeting shall be deemed to have lapsed and may be brought before the next ordinary general meeting, or if necessary or expedient, at a special general meeting

[Bom Bor 35 (8)]

What business to be transacted at meetings and order of business how to be settled

(8) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any general meeting unless it has been mentioned in the notice convening such meeting, or, in the case of a special general meeting in the written request for such meeting The order in which any business or proposition shall be brought forward at such meeting, shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business, or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal

Minutes of proceedings to be kept

(9) There shall be kept in Kanarese, and if the Municipal Council so resolve in English, either in lieu of or in addition to Kanarese, minutes of the names of the councillors and of the Government officers, if any, present under the provisions of sub-section (16), and of the proceedings at each general meeting, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the presiding authority of such meeting, and shall at all

reasonable times be open to inspection by any inhabitant of the municipality

All questions must be decided by a majority of votes

(10) All questions shall be decided by a majority of votes of the councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes Votes shall be taken and results recorded in such manner as may be prescribed by rules in that behalf for the time being in force under clause (*a*) of section 50

Clause 27 (11) *and* (12) [c f Dt Bd 29 (2) (*g*) 1 (4)]
These sub-clauses prohibit uncillors and Presiding cers having pecuniary erest from voting or preing during the di cussion such subjects

(11) No Councillor shall vote on, or take part in, the discussion of any question coming up for consideration at a meeting of the Council if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest

(12) If the Presiding authority is believed by any Councillor present at the meeting to have any such pecuniary interest in any mater under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on or take part in it Any other councillor may be chosen or elected to preside at the meeting during the continuance of such discussion

[Bom Ber 35 (11)]

(13) Any general meeting may, with the consent of a majority of the councillors present, be adjourned from time to time to a later hour on the same day or to any other day, but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place

Adjournments of meetings

A notice of such adjournment posted in the Municipal Office shall be deemed sufficient notice of the adjourned, meeting

(14) No resolution of a Municipal Council shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by not less than one-half of the whole number of councillors and passed at a general meeting whereof notice shall have been given, fulfilling the requirements of sub-section (3) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting, and the motion or proposition for the modification or cancellation of such resolution

Modification and cancellation of resolutions

(15) Except for reasons which the presiding authority deems emergent no business relating to any work which is being executed for the Municipal Council by a Government Executive Engineer, or to any educational matter, shall be transacted at any meeting of a Municipal Council unless, at least fifteen days previous to such meeting, a letter has been addressed to the said Executive Engineer or to the Educational Inspector of the district, informing him of the intention to transact such business thereat, and of the motions or propositions to be brought forward concerning such business

Notice of business to be transacted must in certain cases be given to the Government Executive Engineer or Educational Inspector

Clause 27 (16) —This is to obviate the amendment of the Regulation whenever the necessity for giving the right of addressing the Municipal Council to any other officer is felt

(16) (*a*) The Executive Engineer, Educational Inspector, the Chief Sanitary Officer in a district, and any other officer approved and notified by the Government in this behalf, if not members of a Municipal Council within the district, shall have the right of being present at any meeting of such Municipal Council, and, with the consent of the Municipal Council, each of them may take part at such meeting in the discussion or consideration of any question, on which, in virtue of the duties of his office, he considers his opinion or the information which he can supply will be useful to such Municipal Council

Certain Government officers may attend meetings of Municipal Councils

Provided that the said officers shall not, unless they are members of the Municipal Council, be entitled to vote upon any such question

(*b*) If it shall appear to a Municipal Council that the presence of the Executive Engineer, Education Inspector, or Chief Sanitary Officer of or in the district and any other officer approved and notified by the Government in this behalf, is desirable for the purpose aforesaid at any future meeting of such Municipal Council, it shall be competent to such Municipal Council, by letter addressed to such officer not less than fifteen days previous to the intended meeting, to require his presence thereat, and the said officer, unless prevented by sickness, or other reasonable cause, shall be bound to attend such meeting

Municipal Council may require the presence of certain of the said officers at their meetings

Provided that such officer on receipt of such letter may, if unable to be present himself, instruct a Deputy or Assistant or other competent subordinate as to his views, and may send him to the meeting as his representative, instead of appearing thereat in person

EXPLANATION —The terms "Executive Engineer" and "Educational Inspector" in sub-sections (15) and (16) of this section include the principal Engineering and Educational officer, respectively, in or for the district

Existing section 26 A is omitted as unnecessary [Mys 26 (B)]

Duties and powers of individual Councillors

28 (1) Any Councillor may call the attention of the proper authority to any neglect in the execution of municipal work, to any waste of municipal property or the wants of any locality, and may suggest any improvements which he considers desirable

(2) Every Councillor shall have the right to interpellate the President and to move resolutions on matters connected with the Municipal Administration, subject to such regulations as may be framed by the Council

(3) Every Councillor shall have access to the records of the Municipal Council after giving due notice to the President, provided that the President may for reasons given in writing forbid such access

(2) *Committees*

[Mys 27]

Managing committees

29 (1) For every Municipal Council there shall be a committee called the managing committee, consisting of such number of councillors not exceeding nine or less than three as may have been elected for a period not exceeding one year, in accordance with rules under clause (*a*) of section 50

Powers of managing committees

(2) The managing committee shall, subject, (i) to any limitations prescribed by the Municipal Council specially in this behalf and generally by rules madeunder clause (*a*) of section 50, and

(ii) to the provisions of Chapter XIII, exercise all the powers of the Municipal Council

Provided that no managing committee shall exercise any powers with which any committee appointed under section 30 or 31 is vested

Section 28 was repealed by the Mysore Elementary Education Regulation [Mys 29]

Other executive committees

30 Subject to the limitations prescribed by the rules aforesaid, the Municipal Council may appoint, for a period not exceeding one year, any such committee or such or so many committees consisting of such councillors as they think fit for any purpose or respectively for any of the purposes for which a managing committee may, under section 29, exercise the powers of a Municipal Council, and may invest each committee so appointed with such of the said powers as may be necessary or expedient for the fulfilment of the purpose for which it is appointed

[Mys 29 (A)]

Economic Committee

31 Subject to such rules as may be framed by the Government from time to time in this behalf, the Municipal Council shall appoint for the purpose of sec 59 (t), a committee called the Economic Committee to deal with questions relating to the development of Education, Agriculture and Industries and Commerce

[Mys 30 and Bom Bor 39]

Consultative committees

32 The Municipal Council may from time to time appoint such or so may other committees, consisting of such councillors as they think fit, and may refer to such committees for enquiry and report, or for opinion, such special subjects relating to the purposes of this Regulation as the Municipal Council shall think fit, and may at any time discontinue or alter the constitution of, any such committee The Municipal Council may direct that the report of any such committee shall be made to the managing committee or to a committee appointed under section 30 instead of to the Municipal Council

[Mys 31]

When persons other than councillors may serve on committees

33 Notwithstanding anything contained in this Regulation, it shall be lawful for the Municipal Council from time to time, by a resolution supported by not less than one-half of the whole number of councillors, to appoint, as members of any committee under sections 30, 31 or 32, any persons who are not councillors, but who may in the opinion of such Municipal Council possess special qualifications for serving on such committees provided that the

number of persons so appointed on any committee shall not exceed one-half of the total number of the members of such committee

All the provisions of this Regulation relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall be applicable so far as may be to such persons

Duties etc of such persons.

[Mys 32 and Bom Bor 41]

Clause 34 —Provision has been made for filling up vacancies (on committees) of non-councillors by election of non-councillors and not of councillors only as in the existing section

34 A vacancy occurring in a managing committee or in a committee appointed under section 30 or 31 shall, as soon as possible, and a vacancy occurring in the other committees may, be filled up by the election of a member thereto subject to the same provisions as those under which the member whose place is to be filled up was elected A person elected under this section shall hold office so long only as the person in whose place he is elected would have held it if the vacancy had not occurred No person shall be ineligible at any time for election as a member of any such committee on the ground that he has previously been a member of that committee

Casual Vacancies—Re-eligibility

[Mys 33]

35 (1) The president or a vice-president, if appointed a member of any committee, shall be ex-officio chairman thereof

When chairman to be *ex officio*

(2) The Municipal Council may appoint a chairman for every committee of which there is no *ex-officio* chairman

When no *ex officio* chairman Municipal Council may appoint chairman

(3) Every committee, of which there is an *ex-officio* chairman or a chairman appointed by the Municipal Council, shall at each meeting which such chairman does not attend as chairman, appoint from its members a chairman for such meeting

When *ex officio* or appointed chairman does not attend meeting, committee may appoint chairman of meeting

(4) Every committee, of which there is no *ex-officio* chairman or chairman appointed by the Municipal Council, shall appoint from time to time its own chairman from among its own members

If there is no chairman, *ex officio* or appointed by the Municipal Council

[Mys 34]
Bom Bor 43

Clause 36 —(1) This provides for the calling of meetings of committees in the absence of the Chairman

36 (1) The provisions of sub-sections (4), (9), (10) and (16) of section 27 shall be complied with in all proceedings of committees as if meetings of committees were included in all references to meetings of a Municipal Council contained in those provisions, and as if for the words "Municipal Council" where they occur in the proviso to clause (*a*) of sub-section (16) of section 27, there were substituted the word " committee "

Procedure at meetings

If the chairman of any committee has been absent from the Municipality for a period exceeding fifteen days, the President or Vice-President may, in his absence, call a meeting thereof

Provided that notwithstanding anything to the contrary contained in sub-section (9) of section 27, committees may record their proceedings either in English or in Kanarese as they may think fit

(2) Committees may meet and adjourn as they think proper, but the chairman of the committee may, whenever he thinks fit, and shall, upon the written request of the president of the Municipal Council or of not less than two members of a committee, and for a date not more than two days after the presentation of such request call a special meeting of such committee

Committee shall meet when they think proper

Clause 36 (3) —The quorum is lowered from one-half to one-third of the members of the Committee

(3) No business shall be transacted at any committee meeting unless more than one-third of the members of the committee be present thereat

Number of members required to form quorum at committee meetings

[Mys 35 and Bom Bor 44]

37 (1) Notwithstanding anything contained in the preceeding section, the Chairman of a Committee may, instead of convening a meeting, circulate a written proposition of his own, or of any other member of the committee or of any executive officer of the Municipal Council, for the observation and votes of the members of the committee

Procedure by circular

(2) Previous to circulating any such proposition as aforesaid, the chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in Sub-section (15) of section 27, shall obtain thereupon the remarks, if any, which any Government officer, not a councillor, whose presence the Municipal Council would be entitled to require under the provisions of clause (*b*) of sub-section (16) of section 27, desires to record

Propositions when to be sent to Government officers for remarks

(3) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members of the committee who vote upon it, unless a special meeting is convened to consider the said proposition

Decisions how to be taken on propositions circulated

(4) Every decision arrived at by the committee under this section shall be recorded in the minute-book kept under sub-section (9) of section 27

and how to be recorded

Existing sub section (5) of Section 35 is omitted as unnecessary

[Mys 36]

38 (1) Every committee shall conform to any instructions that may from time to time be given to it by the Municipal Council, the Municipal Council may, at any time, call for any extract from any proceedings of any committee, and for any return, statement or account or report concerning or connected with any matter with which any committee has been authorised or directed to deal, and every such requisition shall, without unreasonable delay, be complied with by the committee so called upon

Subordination of committees to instructions of Municipal Council, and compliance with requisitions of Municipal Council

(2) Every order passed by a managing committee or by a committee appointed under section 30 or 31 shall be subject to such revision by, and open to appeal to, the Municipal Council in accordance with rules that may be framed by the Municipal Council in this behalf

Orders subject to revision and appeal

(3) *Delegation of powers to individuals*

[Mys 37]

Note —Proviso to the existing section is omitted as it relates to City Municipalities

39 Any powers or duties or executive functions which may be exercised or performed by or on behalf of the Municipal council may be delegated, in accordance with rules to be made by the Municipal Council in this behalf, to the president or to the vice-president, or to the chairman of the managing or other committee, or to one or more stipendiary or honorary officers, but without prejudice to any powers that may have been conferred on a Chief Officer under Chapter XIII or on any committee by or under section 29, 30 or 31 , and each person, who exercises any power or performs any duty or function so delegated, may be paid all expenses necessarily incurred by him therein

Powers duties and functions may be delegated to officers whose expenses may be paid

(4) *Validity of Proceedings*

[Mys 38]

40 (1) No disqualification of, or defect in the election or appointment of, any person acting as councillor, or as the president or presiding authority of a general meeting or as chariman of a committee appointed under this Regulation, shall be deemed to vitiate any act or proceeding of the Municipal Council or of any such committee, as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act

Acts and Proceedings of Municipal Council and committees not vitiated by disqualifications, etc , of members thereof

No resolution of a Municipal Council or of any committee appointed under this Regulation shall be deemed invalid on account of any irregularity in the service of notice upon any Councillor or member, provided that the proceedings of the Municipal Council or Committee were not prejudicially affected by such irregularity

Proceedings of meetings to be good and valid, until the contrary is proved

(2) Until the contrary is proved, every meeting of the Municipal Council or of a committee appointed under this Regulation, in respect of the proceedings whereof a minute has been made and signed in accordance with this Regulation, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute

Vacancy not to affect Municipal Council s proceedings

(3) During any vacancy in a Municipal Council or committee the continuing councillors or members may act as if no vacancy had occurred

(5) *Joint transactions with other Bodies*

[Mys. 39]

Jointcommittees of two or more Municipal Councils

41 A Municipal Council may from time to time—

(*a*) join with any other Municipal Council or with any District Board, or with more than one such Municipal Council or Board,

(i) in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of such committee ,

(ii) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies , and

(iii) in framing and modifying rules for regulating the proceedings of any such committee relating to the purpose for which the committee is appointed , and

Agreement for joint levy of octroi

(*b*) enter, subject to the sanction of the Government, into an agreement with a Municipal Council, regarding the levy of octroi duty, whereby the octroi duties respectively leviable by the bodies so contracting, may be levied together instead of separately within the limits of the area subject to the control of the said bodies

If any difference of opinion arises between local bodies acting under this section, the decision thereupon of the Government, or of such officer as it appoints in this behalf, shall be final

(6) *Contracts*

[Mys 40]

Competency of Municipal Council to lease sell and contract

42 (1) Every Municipal Council shall be competent, subject to the restrictions contained in sub-section (2) to lease, sell or otherwise transfer any movable or immovable property which may, for the purposes of this Regulation, have become vested in or been acquired by them, and, so far as is not inconsistent with the provisions and purposes of this Regulation, to enter into and perform all such contracts as they may consider necessary or expedient in order to carry into effect the said provisions and purposes

Clause 42 (2) —It is expedient to control free grant of immovable land whatever may be the value The powers of Municipal Councils require enhancement within reasonable limits The value of lands and sites has increased considerably

Subject in certain cases to sanction of Government

(2) In the case of every free grant of immovable property whatever may be its value and of every lease for a term exceeding seven years, and of every sale or other transfer of immovable property exceeding Rs 1,000 in value the previous sanction of the Government is required

Sanction by resolution at general meeting requisite to validity of certain contracts

(3) In the case —

(*a*) of a lease for a period exceeding one year, or of a sale or other transfer, or contract for the purchase of any immovable property,

(*b*) of every contract which will involve expenditure not covered by a budget grant,

(*c*) of every contract the performance of which cannot be completed within the official year current at the date of the contract,

the sanction of the Municipal Council by a resolution passed at a general meeting is required

Clause 42 (4) —The existing limits of power are unduly low They require to be raised

Sanction of Municipal Council when requisite in other cases

(4) In the case of a contract for the purchase of movable property, or for the sale of any movable property belonging to a Municipal Council, if the expenditure which the purchase would involve, or the value of the property to be sold as estimated in the Municipal accounts exceeds Rs 1,000, the sanction of the Municipal Council is required

Clause 42 (5) — There is no provision for insisting on inviting of tenders for supply of materials for execution of works It is also necessary to limit the powers of the Municipal Council in the case of tenders involving large amounts

When tenders should be invited

(5) Before any contract for the supply of materials or goods or for the execution of any work which will involve an expenditure exceeding rupees 200 is entered into, tenders shall be publicly invited in such manner as may, from time to time, be determined by the Municipal Council from persons willing to enter into such contract and, when the estimated value exceeds rupees 5,000, no such contract shall be entered into without the previous approval of the Government or of an officer duly authorised by the Government in this behalf

Sanction by committees and individuals empowered

(6) In the case of every contract not otherwise provided for in the preceding sub-sections of this section, the sanction of the managing committee, or of such other committee, or of such individual as under the provisions of this Regulation or of the rules for the time being in force thereunder, is empowered in this behalf, is required

Mode of executing contracts

(7) Every contract entered into by or on behalf of a Municipal Council, other than a contract to which sub-section (6) applies, shall be in writing, and shall be signed by the president or vice-president and two other councillors, and shall be sealed with the common seal of the Municipal Council Every contract to which sub-section (6) applies shall be executed by the chairman of the managing committee, or by the chairman of such other committee, or by such other individual, as is empowered in that behalf, in such manner and form as, according to the law for the time being in force, would bind such chairman or individual if such contract were executed by him on his own behalf

[Bom Bor 48 (5)]

Invalidity of contracts unless requirements of section are fulfilled

(8) No contract sall be binding on a Municipal Council unless the requirements of this section shall have been complied with

(9) The provisions of this section shall be subject to the provisions of Section 58 and Chapter XIII

[Mad 68 (3)]

Clause 43 —This is to regularise the present practice under which the Public Works and other Departments carry out works on behalf of Municipal Councils

Contracts by officers appointed by Government to execute Municipal works and payment for such works

43 Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of a Municipal Council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum provided for such work , and the Municipal Council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid

(7) *Compulsory acquisition of land*

[Mys 41]

44 When there is any hindrance to the permanent or temporary acquisition, upon payment, of any land or building required for the purposes of this Regulation, the Government may, after obtaining possession of the same for Government under the Mysore Land Acquisition Regulation, 1894, or other existing law, vest such land or building in the Municipal Council on their paying the compensation awarded, and on their repaying to Government all costs incurred by Government on account of the acquisition

Recourse to the Land Acquisition Regulation, 1894

(8) *Liabilities of councillors, officers and servants*

[Mys 42 modified c f Dt Bd 37 and Mad 353]

Clause 45 —It is necessary to provide not only for misapplication but also for loss or waste of money or other property It is unnecessary that the Government alone should sue The suit may be instituted also by the Municipal Council with the approval of the Government Limitation has also been prescribed for instituting the suit and provision has been made for the credit to the Municipal fund of the amount recovered by the Government for which there is no specific provision in the existing section

45 (1) Except as herein otherwise provided, no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of, the Municipal Council, the Municipal fund shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses

Municipal Fund ordinarily liable for all costs and expenses incurred by Municipal Councils

(2) The president and every councillor shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the Municipal Council, if such loss, waste or misapplication is a direct consequence of his or misconduct The Chief Executive Officer, the Chief Officer, or other Officer or person to whom executive powers are delegated or on whom such powers are conferred by or under this Regulation, shall be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect or misconduct The Government or the Municipal Council may, after giving the President or Councillor Chief Executive Officer, Chief Officer or other Officer or person concerned, a sufficient opportunity for showing cause to the contrary, by order in writing direct him to pay to the Municipal Council before a date fixed the amount required to reimburse the Municipal Council for the loss, waste or misapplication, and if he fails to do so a suit for compensation may be instituted against him by the Government or with the sanction of the Government by the Municipal Council

Liability of President and members for loss waste or misapplication

(3) Every such suit shall commence within three years after the date on which the cause of action arose, provided that in computing the period of three years, the period between the date of the order to pay and the date fixed for payment shall be excluded

[C P 49 (5)]

(4) A suit instituted under sub-section (2) shall not be subject to the provisions of sub-sections (1) and (2) of section 206,

(5) The amount, if any, recovered by the Government under sub-section (2) shall, after deducting therefrom the expenses incurred for the recovery, be delivered to the Municiapal Council

[Mys 43]

46 (1) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of, a Municipal Council, or in any employment with, under, by, or on behalf of, a Municipal Council, other than as a municipal officer or servant, shall be disqualified for being an officer or servant of such Municipal Council

Officer or servant of any Municipal Council not to be interested in any contract with such Municipal Council

Bom Bor 54 (3)

Clause 46 —It is undesirable to disqualify even those Municipal employees who *bona fide* acquire interest in land held on a Municipal lease

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid, shall cease to be a municipal officer or servant, and his office shall become vacant

Effect of acquiring such interest

by inheritance, gift, bequest or even as members of a joint Hindu family It is proposed to remove the disqualification in such cases and to allow Municipal employees to purchase sites for building purposes or to sell their lands to the Municipal Council when required for public purposes without incurring any disability

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, under, by, or on behalf of, a Municipal Council as, under Sub-clauses (*i*), (*ii*) and (*iv*) of clause (*c*) of the proviso to sub-section (1) of section 12, it is permissible for a person to have without his being thereby disqualified for being a councillor

Saving clause

[Mys 44 and Bom Bor 55 (*b*)]

47 (*a*) Any councillor who knowingly acquires directly or indirectly, any share or interest in any contract or employment with, under, by, or on behalf of, a Municipal Council of which he is a member, not being a share or interest such as, under section 12, it is permissible for a person to have, without being thereby disqualified for being a councillor, and,

Penalty for councillor, officer or servant of a Municipal Council being interested in any contract, etc , with that Municipal Council.

(*b*) any municipal officer or servant who knowingly acquires, directly or indirectly any share or interest in any contract, or except in so far as concerns his own employment as municipal officer or servant, in any employment with, under, by, or on behalf of, a Municipal Council of which he is an officer or servant, not being a share or interest such as under sub-clauses (*i*), (*ii*) and (*iv*) of clause (*c*) of the proviso to sub-section (1) of Section 12, it is permissible for a person to have without being thereby disqualified for being a councillor,

shall be liable, on conviction before a criminal court, to a fine which may extend to five hundred rupees

[c f Mad 318]

Clause 48 —This provision would be useful to prevent sudden strikes and dislocation of Municipal services

48 (1) In the absence of a written contract to the contrary, every sweeper or scavenger employed by the Municipal Council shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for mis-conduct or was engaged for a specified term and discharged at the end of it

Notice to Sweepers and Scavengers before discharge

(2) Should any sweeper or scavenger employed by the Municipal Council, in the absence of a written contract authorising him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the council, or neglect or refuse to perform his duties, or any of them, he shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months

Penalty for withdrawal of Sweepers and Scavengers without notice

(3) The Government may, by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to sweepers or scavengers shall apply also to any specified class of Municipal servants whose functions intimately concern the public health or safety

Application of sub sections (1) and (2) to other Municipal servants

[c f Mys 45 and Bom Bor 56 and Mad 122]

Clause 49 —This provision has been inserted to prevent certain misconceptions as to the construction of the existing section 45 This will correspond to the provisions in section 105 of the District Boards Regulation and Section 59 of the V P Regulation The auditor may also be deemed to be a public servant as in the Madras Act

49 (1) Every Municipal Councillor, officer or servant and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessee, and every auditor shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code

Councillors, etc , to be deemed public servants

(2) The word "Government" in the definition of "legal remuneration" in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include a Municipal Council

CHAPTER IV

RULES AND BY-LAWS

[Mys 46]

50 Every Municipal Council shall, as soon as conveniently may be after the constituion thereof make and may from time to time alter or rescind rules, but not so as to render them inconsistent with this Regulation,

Municipal Councils to make rules

(a) regulating the conduct of their business and the delegation of any of their powers or duties and, subject to the provisions of section 29, the appointment and constitution of committees,

Regulating the conduct of business

(b) determining,

(i) the executive functions to be performed by the president, vice-president, the chairman of any committee, and, subject to the provisions of Chapter XIII, by the Chief Officer and the delegation of any of their powers or duties to such persons,

Fixing the functions of the president and the establishment

(ii) the staff of officers and servants to be employed by the Municipal Council and the respective designations, duties, salaries, fees and absentee or other allowances of such officers and servants, and the powers and duties delegated to them under section 39

(c) generally for the guidance of their officers and servants in all matters relating to the municipal administration,

For general guidance of municipal servants,

(d) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security,

Fixing the amount of the security to be furnished,

(e) subject to the provisions of section 240, determining the mode and conditions of appointing, punishing or dismissing any officer or servant, and delegating to officers designated in the rules the power to appoint, fine, reduce, suspend or dismiss any officer or servant,

Determining mode of appointing etc municipal servants, delegating power to appoint etc

(f) regulating the grant of leave to officers or servants, and fixing the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave,

Granting leave to municipal servants,

Clause 50 (g)—Provision is made for payment of compassionate gratuity to surviving relations of Municipal employees on the lines of G O No Fl 7418-77—S & A 252-28 4, dated 3rd April 1929

(g) subject to the provisions of the Mysore Service Regulations and to the special orders of Government, if any, regulating the period of service of all officers and servants, and determining the conditions under which such officers and servants, or any of them, shall receive pensions, gratuities, or compassionate allowances on retirement, or on their becoming disabled through the execution of their duty, and the amount of such pensions, gratuities, or compassionate allowances, and prescribing the conditions under which any gratuities, or compassionate allowances may be paid to the surviving relations on the death of any such officers or servants,

Fixing pensions etc

(h) authorising the payment of contributions, at such rates and subject to such conditions as may be prescribed in such rules, to any pension or provident fund which may be established by the Municipal Council or with the approval of the Municipal Council by the said officers and servants

Contributing to provident funds

[Bom Bor 58]

(i) prescribing, subject to the provisions of Chapter VII, the taxes to be levied in the municipality for municipal purposes, the circumstances in which exemption will be allowed, the conditions on which and the extent to which remissions may be granted, and the system on which refunds are to be allowed and paid, in respect of such taxes, and the limits of the charges or payments to be fixed in lieu of any tax under section 86, and the fees to be charged for licenses or permissions granted under section 85, and the times at which and the mode in which the same shall be levied or recovered or shall be payable, and prescribing the fees for notices demanding payments due on account of any tax, and for the execution of warrants of distress, and the rates to be charged for maintaining any livestock distrained, and designating the persons authorised to receive payment of any sums so leviable and the manner in which auctions of movable and immovable property under section 103 shall be held ,

Prescribing the taxes, etc , to be levied for municipal purposes

(j) prescribing the conditions subject to which sums due on account of any tax or of costs in recovering any tax may be written off as irrecoverable, and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted by the Managing Committee

For writing off amounts due and remitting fees

Provided that—

Clause 50—Proviso —In order to secure uniformity in respect of items on which taxes and tolls are levied and other matters incidental thereto, it is considered desirable to take power to Government to prescribe rules and to limit the powers of Municipal Councils

(a) It shall be competent for the Government to frame rules for the regulation of all or any of the matters specified in clauses (b) (ii), (c), (e), (f), (g) (h) and (i) in respect of any Municipal Council or in respect of all or any of their employees and no rule made or any alteration or rescission of a rule made by a Municipal Council under this section shall have effect if it is repugnant to any rule made by the Government and unless and until it has been also approved by the Government

Approval required to rules

(b) If an officer serving or having served under a Municipal Council has been or is transferred from or to the service of the Government, or is partly employed by the Government and partly by a Municipal Council, the Municipal Council shall contribute to his pension and leave allowances to the extent required by the rules in force for the time being, made by the Government in this behalf

Provisio as to officers transferred from or to the service of Government

(c) The Municipal Council shall not, unless with the assent of Government, dispense with the services of any such officer transferred from the service of Government to the service of the Municipal Council or employed partly by Government and partly by the Municipal Council, or finally dismiss from the service of the Municipal Council any officer transferred from the service of the Municipal Council to the service of Government

Assent of Government required in certain cases of dismissal

[Mys 47 and Bom Bor 60]

Clause 51 —It has been made clear that a Municipal Council cannot introduce exemptions, suspend, modify or abolish any existing tax without publishing the notice required by clause 68 and without following the procedure laid down in that section

51 (1) Subject to the requirements of clause (a) of the proviso to section 50, every Municipal Council may, except as otherwise provided in clause (b) of the proviso to section 89, at any time for any sufficient reason, suspend, modify or abolish any existing tax by suspending, altering or rescinding, any rule prescribing such tax

Power to suspend, reduce or abolish any existing tax

(2) The provisions of chapter VII relating to the imposition of taxes shall apply so far as may be to the suspension modification or abolition of any tax and to the suspension, alteration or rescision of any rule prescribing a tax

52 (1) Every Municipal Council may from time to time, with the previous sanction of the Government make, alter or rescind by-laws, but not so as to render them inconsistent with this Regulation— Power to make by laws

(a) for the regulation and inspection of markets, all public places used for the sale of articles and slaughter houses and all places used by or for animals which are for sale or hire, or the produce of which is sold, and for the proper and cleanly conduct of business therein, for regulating the sale of fruit and vegetables in the Municipal markets or other specified places, and for fixing the rents and other charges to be levied for the use of any of them which belong to the Municipal Council, For markets and slaughter houses, etc

(b) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licenses may be granted, refused, suspended or withdrawn for the use of any place not belonging to the Municipal Council— For licensing, regulating and inspecting certain businesses

(i) as a slaughter-house,

(ii) as a market or shop for the sale of animals intended for human food, or of meat, or of fish, or as a market for the sale of fruit or vegetables,

(iii) for any of the purposes mentioned in section 185,

(iv) as a dairy, hotel, restaurant, eating house, coffee-house, sweetmeat-shop, bakery, boarding house, or lodging house (other than a students' hostel under public or recognised control) or for manufacturing ice or aerated waters,

(v) as a place for the preparation or manufacture of oil,

(vi) for parching grain or Bengal gram on a large scale,

(vii) or for any other purpose for which the taking out of a license is or may be prescribed,

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effect arising or likely to arise therefrom:

Note —Reference to different kinds of Municipalities is omitted in the proviso to clause (b) of existing sub-section (1)

Provided that in respect of matters falling under sub-clauses (iv), (v), (vi) and (vii), the power to frame by-laws shall be exercised by such Municipal Councils as may be empowered by the Government in this behalf,

(c) prescribing the conditions on or subject to which and the circumstances in and the areas or localities in respect of which licenses may be granted, refused, suspended or withdrawn for the establishment in any premises, of any factory, worskhop or work-place in which it is intended that steam, water, electrical or other mechanical power shall be employed, or for the use of whistles and trumpets, operated by steam, mechanical means or electricity in factories or other places for the purposes of summoning or dismissing workmen or persons employed, For licensing the use of steam whistles, etc

(d) prohibiting the stalling or herding of horses, camels, cattle, donkeys, sheep or goats, otherwise than in accordance with such regulations prescribed in such by-laws in regard to the number thereof, and the places to be used for the purpose, as may be necessary to prevent danger to the public health, Regulating the stalling of cattle, etc

(*e*) (i) for the inspection of milch-cattle, and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairymen or milk-sellers, **For regulating dairies and cattle-sheds**

(ii) for securing the cleanliness of milk stores, milk shops and vessels used by milk-sellers or butterimen for milk or butter, **Milk stores, etc**

(*f*) for the inspection of weights and measures under section 177, **For inspection of weights and measures**

(*g*) for the registration of births, deaths and marriages, and the taking of a census within the municipality and for enforcing the supply of such information as may be necessary to make such registration or census effective, **For registration of births, etc**

(*h*) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the community or section of the community entitled to the use of such places for the disposal of the dead, **Regulating the disposal of the dead**

(*i*) for enforcing the supply of information as to any cases of dangerous disease, and carrying out the provisions of sections 178, 179 and 181, **For enforcing information as to epidemics**

(*j*) for enforcing the supply of such information by inhabitants of the municipality as may be necessary to ascertain their respective liabilities to any tax imposed therein, **For enforcing information as to liability to municipal taxation**

2 (1) (*k*)—Provide for numbering and registration of all vehicles liable to municipal taxation

(*k*) for the numbering and registration of any vehicle liable to taxation under this Regulation

(*l*) fixing octroi limits and stations, providing for the exhibition of tables of octroi requiring a license to be obtained for the sale of any article liable to octroi and prescribing the conditions on or subject to which such license may be granted, refused, suspended or withdrawn, regulating, subject to any general or special orders which the Government may make in this behalf, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods, are again exported and the custody or storage of animals or goods declared not to be intended for use or consumption within the municipality, and prescribing a period of limitation after which no claim for refund of octroi shall be entertained, and the minimum amount for which any claim to refund may be made, **Octroi by laws**

[Bom Bor 61 (1) (o)]
Clause 52 (1) (*m*)—*Vide* clause 67 (iv) (2) This is to empower Municipal Councils to fix terminal tax limits as in the case of octroi and to regulate the method of recovery of such tax

(*m*) fixing terminal tax limits and stations, providing for the exhibition of tables of terminal tax, and regulating the mode of recovery of such tax, **Terminal Tax**

(*n*) for conserving and preventing injury to sources and means of water-supply and appliances for the distribution of water whether within or without the limits of the municipality, and regulating all matters and things connected with the supply and use of water and the turning on or turning off and preventing the waste of water, and the construction, maintenance and control of municipal water-works and of pipes and fittings in connection therewith, whether the property of the Municipal Council or not, **For protecting water**

Explanation —Sources and means of water-supply shall include private wells which are used by the public

(*o*) regulating the use of public bathing and washing places within municipal limits, — Regulating public baths, etc

(*p*) regulating sanitation and conservancy, — For conservancy

(*q*) regulating the conditions for the construction, use and disposal of houses intended for the poor under clause (c) of section 62, — For constructing houses for the poor

(*r*) regulating the disposal of carcasses of dead animals, — For the disposal of carcasses

(*s*) regulating the conditions on which premission may be given for the temporary occupation of, or the erection of, temporary structures on public streets or for projections over public streets, and regulating the structure and dimensions of plinths, walls, foundations, floors, roofs and chimneys of new buildings, for the purpose of securing stability and the prevention of fires, and for purposes of health, — Regulating structures and buildings

(*t*) regulating the erection or use of buildings for grain shops or grain stores and regulating the use of sites for erection of buildings and regulating in localities intended for residential purposes, the erection or use of buildings for shops, market places, manufactories, places of public resort or for any other purpose — For regulating construction or use of buildings for grain shops and stores and for regulating construction or use of buildings so that they may not be a source of nuisance in residential localities etc

NOTE —Existing sub-clause (s) is omitted as it relates to surveyors and plumbers in City Municipalities

(*u*) for preventing the erction of buildings without adequate provision being made for the laying out and location of streets, — For providing for streets

(*v*) for ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air, — For ensuring ventilation

(*w*) regulating, in any other particular not specifically provided for in this Regulation, the construction, maintenance and control of drains, sewers, ventilation, shafts, receptacles for dung and manure, cess-pools, water-closets, privies, latrines, urinals, and drainage or sewerage works of every description, whether the property of the Municipal Council or not, — Control of drains

(*x*) determining the information and plans to be required by the Municipal Council under sections 114 and 122, — Requiring information and plans in certain cases

[Bom Bor 61 (1) (z)]

(*y*) prohibiting vehicular traffic in any particular street, so as to prevent danger, obstruction or inconvenience to the public, by fixing up posts at both ends of such street or portion of such street, prohibiting the transit of any vehicles of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians, along or over any street, except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants, and other general — For controlling unwieldy traffic

precautions as may be prescribed, either generally in such by-laws, or in special licenses to be granted in each case upon such terms as to time of application and payment of fees therefor as may be prescribed in such by-laws,

provided that no such by-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been posted up by the Municipal Council in conspicuous places at or near both ends of such street or portion of a street,

[Bom Bor 61 (1) (aa)] *Clause* 52 (1)—It is desirable that Municipal Councils should have power to take effective measures for regulating the management of open parks and open spaces under their control

Public Parks

(*z*) securing the protection of public parks, gardens and open spaces, vested in or under the control of the Municipal Council, from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them,

Regulating Municipal administration

(*aa*) generally for the regulation of all matters relating to municipal administration

Fine may be imposed for infringement of by laws

And every Municipal Council may, with the like sanction, prescribe a fine not exceeding five hundred rupees for the infringement of any such by-law

Publication of drafts of proposed by laws

(2) Every Municipal Council shall before making any by-law under this section, publish in such manner as shall in their opinion be sufficient, for the information of the person likely to be affected thereby, a draft of the proposed by-law, together with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before making the by-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified

Objections and suggestions to be submitted to Government.

(3) When any by-law made by a Municipal Council is submitted to the Government for sanction, a copy of the notice published as aforesaid and of every objection or suggestion so made, shall be submitted for the information of the Government along with the said by-law

[Mys 49] Rules and by laws to be printed and sold

53 The rules and by-laws for the time being in force shall be kept open for public inspection at the municipal office at all reasonable times, and printed copies thereof and of this Regulaton in Kanarese shall be kept on sale at cost price

CHAPTER V

Municipal Property and Fund

[Mys 50] Power to acquire and hold property

54 (1) Every Municipal Council may acquire and hold property both movable and immovable, whether within or without the limits of the municipality

Property vested in the Municipal Council

(2) All property of the nature hereinafter in this section specified, and not being specially reserved by the Government, shall be vested in and belong to the Municipal Council and shall, together with all other property of what nature or kind soever, not being specially reserved by the Government, which may beceme vested in the Municipal Council, be under their direction, management and control, and shall be held and applied by them as trustees, subject to the provisions and for the purposes of this Regulation, that is to say—

(*a*) All public town-walls, gates, markets, slaughter-houses, manure and night-soil depots, and public buildings of every description,

(*b*) All public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water-works, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well,

(*c*) All public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind collected by the Municipal Council from the streets, houses, privies, sewers, cess-pools or elsewhere,

(*d*) All public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto,

(*e*) All lands transferred to them by the Government, or by gift or otherwise, for local public purposes,

(*f*) All public streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets

(3) It shall be competent to the Government from time to time, by notification, to resume any property vested or vesting in the Municipal Council under this section on such terms as the Government may determine

Power to Government to resume property

[Mys 51 and Bom Bor 65]

55 All money received by or on behalf of the Municipal Council by virtue of this or any other Regulation, all taxes, tolls and other imposts, fines, fees, penalties paid to or levied by them under this Regulation, all proceeds of land or other property sold by the Municipal Councils, and all rents accuring from their land or property, as also all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise, shall constitute the Municipal Fund, and shall be held and dealt with in a similar manner to the property mentioned in the last preceding section,

Municipal Fund

Provided that—

(*a*) Nothing in this section, or in the last preceding section, shall in any way affect any obligations accepted by or imposed upon any Municipal Council by any declarations of trust executed by or on behalf of such Municipal Council, or by any scheme settled by order of Government for the administration of any trust or by a trust of the nature specified in clause (*b*) of this proviso,

Provision as to special trusts

(*b*) A Municipal Council may, subject to the condition that reasonable provision shall be made for the performance of all obligations imposed or that may be imposed on them by or under this Regulation or any other law for the time being in force, credit to a separate heading in the municipal accounts any portion of the municipal fund received or set apart by them specially for the purposes of schools or dispensaries or of water-works or fire-brigades, or other such purposes as the Government in this behalf approves and the Municipal Council shall apply any sums properly so credited exclusively to the special purposes for which such sums were received or set apart

When special trusts may be created

[Mys 52]

Clause 56 —Power is given to Municipal Councils to take up works for generation of electricity and sale of energy to the inhabitants for lighting and power purposes See clause 62 (q)

56 All propetry vested in the Municipal Council under this Regulation, and all funds received by them in accordance with the provisions of this Regulation, and all sums accruing to them under the provisions of any law for the time being in force, shall be applied, subject to the provisions and for the purposes of this Regulation, within the limits of the municipality

Municipal property and funds how to be applied

Provided that any funds granted to the Municipal Council by the Government for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may lay down either generally or specifically in this behalf

Provided always that it shall be lawful for the Municiapl Council, with the sanction of the Government or any officer duly authorised by Government in this behalf,—

(a) to incur expenditure beyond the said limits—

(i) in the acquisition of land, or

(ii) in the construction, maintenance or repair of works

for the purpose of obtaining a supply of water or electric energy required for the inhabitants of the municipality, or of establishing slaughter-houses or places for the disposal of night-soil or of sewage or of carcasses of animals beyond the said limits, or for drainage works, or for any other purpose claculated to promote the health, safety or convenience of the inhabitants of the said municipality , or

(b) to make a contribution towards expenditure incurred by any other Municipal Council, or in any area subject to the authority of a local board or incurred out of any public funds for measures affecting the health, instruction or convenience of the public and calculated to benefit the residents within the limits of the contributing Municipal Council , or

(c) to create scholarships tenable outside the limits of the Municipality

Provided further that nothing in this section, or in any other provision of this Regulation, shall be deemed to make it unlawful for a Municipal Council, when with such sanction as aforesaid they have constructed works beyond the limits of the said municipality for the supply of water or electric energy or for drainage as aforesaid—

(a) to supply, or extend to, or for the benefit of, any person or buildings or lands in any place, whether such place is or is not within the limits of the said municipality, any quantity of water or electric energy not required for the purpose of this Regulation within the said municipality, or the advantages afforded by the system of such drainage works, on such terms and conditions, with regard to payment and to the continuance of such supply or advantages, as shall be settled by agreement between the Municipal Council and such person or the occupier or owner of such buildings or lands, or

(b) to incur any expenditure, on such trems with regard to payment as may be settled as aforesaid, for the construction, maintenance, repair or altreation of any connection pipes, or other works necessary for the purpose of such supply or for the extension of such advantages

[Mys 53] 57 (1) It shall be lawful for the Municipal Council to deposit at interest with the Government Savings Bank, or with the sanction of the Government in any other bank in or outside of Mysore, any surplus funds in their hands which may not be required for current charges, and, with the like sanction to invest such funds in public securities in the name of the Municipal Council, and from time to time dispose of such securities as may be necessary

Power to deposit and invest surplus funds.

(2) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (1), be deposited in the local Government Treasury, or such other place of security as may be sanctioned by Government

Surplus not so deposited or invested how to be dealt with

[Mys 53 A]

58 A Municipal Council may, in pursuance of a resolution passed at a special general meeting and with the previous sanction of Government and subject to such conditions as may be prescribed by Government as to security, the rate of interest and the repayment of principal and interest, borrow either from Government or from any person, any sum of money required for constructing any work of a permanent nature which they are required or empowered to undertake under the provisions of this Regulation

Power of Municipal Councils to borrow money

CHAPTER VI

Obligatory and Discretional Functions of Municipal Councils

[Mys 54]

59 It shall be the duty of every Municipal Council to make reasonable provision for the following matters within the municipality under their authority, namely —

Duties of Municipal Councils

(*a*) lighting public streets, places and buildings,

(*b*) watering public streets and places,

(*c*) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Municipal Council or not, removing noxious vegetation, and abating all public nuisances,

(*d*) extinguishing fires, and protecting life and property when fires occur,

(*e*) regulating or abating offensive or dangerous trades or practices,

(*f*) removing obstructions and projections in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Municipal Council or belong to Government,

(*g*) securing or removing dangerous buildings or places, and reclaiming unhealthy localities,

(*h*) acquiring and maintaining, changing and regulating places for the disposal of the dead,

(*i*) constructing, altering and maintaining public streets, culverts, municipal boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage-works, sewerage works, baths, washing places, drinking fountains, tanks, wells dams, and the like,

(*j*) obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost,

(*k*) naming streets and numbering houses,

(*l*) registering births and deaths,

(*m*) public vaccination,

(*n*) suitable accommodation for any calves, cows, or buffaloes required within the municipality for the supply of animal lymph,

(*o*) establishing and maintaining public hospitals and dispensaries, and providing public medical relief,

(*q*) housing and maintaining destitute orphans and destitute cripples,

(*r*) printing such annual reports on the municipal administration of the municipality as the Government by general or special orders require the Municipal Council to submit,

(*s*) paying the salary and the contingent expenditure on account of such police or guards as may be required by the Municipal Council for the purposes of this Regulation or for the protection of any municipal property, and providing such accommodation as may be required by Government under the law in force relating to Police,

(*t*) promoting the development of economic condition with special reference to Education, Agriculture and Industries and Commerce

(*u*) preparing a list of children of compulsory age in any municipal area where compulsory Education is introduced under the Mysore Elementary Education Regulation 1930, subject to such rules as have been or may be framed therefor under the said Regulation

[Mys 55]

Special duties

60 Subject to such reasonable provision as is mentioned in section 59, every Municipal Council shall make reasonable provision for the following special matters, namely

(*a*) providing special medical aid and accommodation for the sick in time of dangerous disease, and taking such measures as may be required to prevent the outbreak, or suppress and prevent the recurrence, of the disease,

(*b*) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the municipality

[C P 50 (2)]

Clause 61 —An adjust- of functions, as circumstances may require, will have to be provided for

61 Notwithstanding anything contained in sections 59 and 60 the Government may exempt any Municipal Council from any of the provisions of those sections or may declare that in regard to any Municipal Council any of the duties specified in the aforesaid sections shall be deemed to be discretionary duties within the meaning of section 62

[Mys 56]

Discretionary powers of expenditure of Municipal Council

62 Municipal Councils may, at their discretion, provide out of the said property and fund, either wholly or partly, for

(*a*) laying out, whether in areas previously built upon or not, new public streets, and acquiring the land for that purpose, including the land requisite for the construction of buildings or curtilages thereof, to abut on such streets,

(*b*) constructing, establishing, or maintaining public parks, gardens, libraries, museums, lunatic asylums, halls, offices, dharmasalas, rest-houses and other public buildings,

[Rangoon 26 and Bom Bor 71]

Clause 62, (c), (d), (e) and (k) —Construction of houses for the poor and grant of loans therefor and for the promotion of Co-operative Societies for the benefit of Municipal employees and of Societies whose object is to provide housing accommodation to poorer and working classes and providing accommodation for Municipal employees and providing for anti rabic treatment are included among the discretionary duties

(*c*) construction and maintenance, where necessary, of suitable sanitary houses for habitation of the poor and granting loans for the construction of such houses or for effecting necessary improvements connected therewith,

(*d*) on such terms and conditions as the Government approves, the promotion, formation, extension or assistance of

(1) a co-operative society for the benefit of municipal employees

(1) or (2) any provident fund or benefit society whose objects include the erection, improvement, maintenance or management of suitable accommodation for the poorer and working classes

by any or all of the following means —

(*i*) the acquisition of land with a view to selling or leasing the same to such society, or

(*ii*) the making of grants or loans thereto, or

(*iii*) subscription for any share capital therein, or

(*iv*) guaranteeing the payment of interest on money borrowed by such society or of any share capital issued thereby,

(*e*) providing accommodation for any class of servants employed by the Municipal Council or granting loans to such servants for construction of houses subject to the rules and conditions to be prescribed by the Government in this behalf,

(*f*) granting loans to encourage local arts and industries,

(*g*) planting and maintaining roadside and other trees,

(*h*) taking a census, and granting rewards for information which may tend to secure the correct registration of vital statistics,

(*i*) making a survey,

(*j*) arrangements for the destruction or the detention and preservation of such dogs whitin the municipality as may be dealt with under the law in force relating to Police or under section 156 of this Regulation,

(*k*) providing facilities for anti-rabic treatment and meeting the expenses of indigent persons undergoing anti-rabic treatment within or outside the municipal limits,

(*l*) securing or assisting to secure suitable places for the carrying on of the offensive trades mentioned in section 185,

(*m*) supplying, constructing and maintaining receptacles, fittings, pipes and other appliances whatsoever, on or for the use of private permises, for receiving and conducting the sewage thereof into sewers under the control of the Municipal Council;

(*n*) establishing and maintaining a farm or factory for the disposal of sewage,

[Bom Bor 71 clause 64 (0) to (s)]

The discretionary duties are added to in certain desirable directions The restriction as regards previous sanction for giving public receptions, etc, is removed Instead of leaving it to the Municipal Council to decide what duties in addition to those specifically mentioned may be taken up, it is proposed to insist on Government sanction and a special majority for incurring expenditure in such cases

(*o*) providing music for the people,

(*p*) the acquisition and maintenance of grazing grounds, and the establishment and maintenance of diary farms and breeding stud,

(*q*) with the sanction of the Government, the construction purchase, organisation, maintenance or management of—

(*i*) telephone lines,

(*ii*) machinery and plant for the generation and supply of electricity for lighting and power for public and private purposes,

(*iii*) light railways and tramways, or

(*iv*) motor or other transport facilities for the carriage of the public or guaranteeing the payment from the municipal fund of such sums as the Municipal Council shall think fit as interest on capital expended by the Government or a company for the aforesaid purposes,

or granting loans for providing capital for any of the said purposes,

(*r*) the maintenance of an ambulance service,

(*s*) the promotion of public health or infant welfare,

(*t*) the organisation or maintenace during scarcity of shops or stalls for the sale of necessaries of life,

(*u*) contribution towards any public fund raised for the relief of human suffering within or without the Municipality,

(*v*) by a resolution passed at a general meeting and supported by two-thirds of the whole number of councillors, any public reception, ceremony, entertainment or exhibition within the Municipality, and

[c f Cal 477 (xviii) Rangoon 26 (xix) and Bangalore Ml law 69 (2) (k)]

(*w*) any other matter not hereinbefore specifically named which is likely to promote the public health, safety or convenience or which is necessary for the carrying out of this Regulation expenditure whereon is resolved by the Municipal Council by the votes of not less than two-thirds of the whole number of Councillors and with the approval of the Government to be an appropriate charge on the Municiapl Fund

[Mys 57]

Arrangements purporting to be binding permanently or for a term of years

63 When a Municipal Council have entered into any arrangement, or made any promise, purporting to bind themselves or their successors for a term of years or for an unlimited period, to continue to any educational or charitable institution a yearly contribution from the municipal property or fund, it shall be lawful for the Municipal Council or their successors, with the sanction of the, Government, to cancel such arrangement or promise, or to discontinue or to diminish such yearly contribution, provided that they shall have given at least twelve months' notice of their intention so to do to the manager or managers of such institution

[Mys 58]

Management of public institutions maintained by Municipal Councils to vest in them

64 The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the Municipal Council by which it is maintained

[Mys 58A]

Extent of the independent authority of Municipal Councils in respect of Economic Development work etc

65 The extent of the independent authority of any Municipal Council in respect of economic development with reference to Education, Agriculture and Industries and Commerce and their relations with the Local Boards and other departments of the Government shall from time to time be prescribed by the Government

[Mys 58B]

Transfer by Government of the management of certain institutions to Municipal Council

66 The Government may, at any time, with the consent of the Municipal Council, transfer to such Municipal Council the management of any institution not otherwise provided for by this Regulation, and it shall thereupon be lawful to such Municipal Council to undertake the management thereof in accordance with such rule as Government may frame in this behalf

Provided that in every such case the funds necessary for such management shall be placed at the disposal of the Municipal Council by the Government

CHAPTER VII

Municipal Taxation

(*I*) *Imposition of taxes*

[Mys 59 modified]

Clause 67 —The maximum rates of taxes may be prescribed in the Schedules In the case of vehicles it is made clear that the liability to taxation arises only in the case of those kept within Municipal limits for use

Taxes which may be imposed

67 Any Municipal Council—

(*a*) after observing the preliminary procedure required by section 68, and

(*b*) with the sanction of the Government, and subject to such modifications or conditions as under section 69 the Government in according such sanction deems fit, may impose, for the purposes of this Regulation, any one or more of the following taxes at rates not exceeding those prescribed in schedules I to VI, that is to say,

(*i*) a rate on buildings or lands or both situated within the municipality ,

(*ii*) a tax on all or any vehicles, boats or animals used for riding, draught or burden, kept within the said municipality for use ,

(*iii*) a toll on vehicles and animals used as aforesaid, entering the said municipality, but not liable to taxation under the clause last preceding ,

(*iv*) (1) an octroi on animals or goods, or both brought within the octroi limits for consumption or use therein, or

(2) a terminal tax on goods imported or exported form the terminal tax limits,

provided that a terminal tax and an octroi shall not be in force in any municipality at the same time,

(*v*) a tax on dogs kept within the said municipality,

(*vi*) a special sanitary cess upon private latrines, premises or compounds cleansed by municipal agency, after notice given as hereinafter required,

(*vii*) a general sanitary cess for the construction or maintenance, or both construction and maintenance, of public latrines, and for the removal and disposal of refuse,

(*viii*) a water-rate or water rates for water supplied by the Municipal Council, which may be imposed in the form of a rate assessed on buildings and lands, or in any other form, including that of charges for such supply, fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of cases or of any individual case,

(*ix*) a lighting tax,

(*x*) a tax on arts, professions, trades and callings, and on offices and appointments,

(*xi*) a tax on shops and other places where a business or profession is carried on for purpose of profit, payable by the person or persons engaged in the business or profession,

Provided that where the Municipal Council elect to levy a tax under this clause, the person or persons paying the tax shall not be called upon to pay a tax on professions, trades and callings under clause (*x*) in respect of the business or professions carried on in the shop or place,

(*xii*) any other tax to the nature and object of which the approval of the Government shall have been obtained prior to the selection contemplated in clause (*a*) of Section 68

Provided that—

(*a*) no tax imposed as aforesaid other than a special sanitary cess or water-rate shall, without the express consent of Government, be leviable in respect of—

(i) any building or part of any building belonging to Government and used solely for public purposes and not used or intended to be used for residential purposes or for purposes of profit,

(ii) any vehicle, animal or other property belonging to Government and used solely for public purposes and not used or intended to be used for purpose of profit,

(iii) any building or part of a building used as a place of public worship or used for a charitable purpose,

(*b*) (i) no tax of any kind imposed as aforesaid shall be leviable in respect of any building or part of a building used or intended for the occupation of H H the Maharaja or H H the Yuvaraja or for the location of the establishments of H H the Maharaja or H. H the Yuvaraja, or in respect of any vehicle, animal or other property belonging to H H the Maharaja or H H the Yuvaraja,

(ii) in respect of all other buildings owned by the Palace and used as rent-free residences no tax of any kind as aforesaid shall be leviable except a special sanitary cess and excess water-rate, if any, which shall be recoverable from the occupants thereof,

[c f Bom. Bor 73 Proviso]

(c) no toll shall be leviable in respect of any vehicle or animal used for the passage of troops or the conveyance of the property of H H the Maharaja or H H the Yuvaraja or of Government Stores or of any other Government property or for the passage of Military or Police officers on duty or the passage or conveyance of any person or property in their custody ,

[New]
Clause 67 Proviso (d) — This avoids unnecessary correspondence with Municipal Councils when Government consider it expedient or necessary to grant exemptions in exceptional cases

(d) the Government may by order grant and define other exemptions in exceptional cases from payment of tolls or other taxes imposed under this Regulation ,

(e) no tax shall be lievable in respect of horses, being registered chargers of the officers of the Mysore State Troops or of the British Indian Army, or in respect of one bicycle and one horse kept by the members of the Mysore Police Force or the Police Force of the C and M Station, Bangalore, for the performance of their official duties ,

(f) no special sanitary cess shall be leviable in respect of any private latrines, premises or compounds, unless and until the Municipal Council have

(i) made provision for the cleansing thereof by manual labour, or for conducting or receiving the sewage thereof into municipal sewers and

(ii) issued either severally to the persons to be charged, or generally to the inhabitants of the Municipality or part of the municipality to be charged with such cess, one month's notice of the intention of the Municipal Council to perform such cleansing and to levy such cess ,

(g) the Municipal Council, in lieu of imposing separately any two or more of the taxes described in clauses (i), (vii), viii) and (ix), may impose a consolidated tax, assessed as a rate on buildings or lands, or both, situated within the municipality

[Mys 60, recast slightly c f Bom Bor, 75]

Procedure preliminary to imposing tax

68 A Municipal Council before imposing a tax shall observe the following preliminary procedure —

(a) They shall, by resolution passed at a general meeting select for the purpose one or other of the taxes specified in Section 67 and prepare rules for the purposes of clause (i) of section 50, prescribing the tax selected, and in such resolution and in such rules specify—

(i) the classes of persons or of property or of both which the Municipal Council propose to make liable, and any exemptions which they propose to make ,

(ii) the amount or rate at which the Municipal Council propose to assess each such class ,

(iii) in the case of a rate on buildings or lands or both, the basis, for each class, of the valuation on which such rate is to be imposed ,

(iv) all other matters which the Government may require to be specified therein

(b) When such resolution has been passed, the Municipal Council shall publish the rules so prepared with a notice in the form of Schedule VII prefixed thereto

(c) Any inhabitant of the Municipality objecting to the imposition of the said tax or to the amount or rate proposed, or to the classes of persons or property to be made liable thereto or to any exemptions proposed, may, within one month from the publication of the said notice, send his objection in writing to the Municipal Council , the Municipal Council shall take all such objections into consideration, or shall authorise a committee to consider the same and report thereon , and, unless they decide to abandon the proposed tax, shall submit such objections

with their opinion thereon and any modifications proposed in accordance therewith, together with the notice and rules aforesaid to the Government

[Mys 61] 69 The Government may either refuse to sanction the rules submitted, or may return them to the Municipal Council for further consideration, or if no objection, or no objection which is in its opinion sufficient, was made to the proposed tax within one month from the publication of the said notice, may sanction the said rules either— **Power to sanction, modifiy and impose conditions**

(a) without modification, or

(b) subject

(i) to such modifications not involving an increase of the amount to be imposed or,

(ii) to such conditions as to the application within the municipality to any purpose or purposes of this Regulation specified in such conditions, of the whole or any part of the proceeds of such tax, as it deems fit

[Mys 62] 70 All rules sanctioned under section 69 with all modification subject to which the sanction is given, shall be published by the Municipal Council in the municipality for which they are prescribed ,together with a notice reciting the sanction and the date and serial number thereof, and the tax as prescribed by the rules so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the Municipal Council in accordance with all conditions, if any, subject to which under section 69 the sanction was given , **Publication of sanctioned rules with notice**

Provided that

(a) a tax leviable by the year

(i) shall not come into force except on one of the following dates, *viz* , the first day of July—the first day of October—the first day of January—the first day of April—in the official year in which such notice is published, and,

(ii) if it comes into force on any day other than the first of July it shall be leviable by the quarter, till the first day of July then next ensuing,

(b) on or before the day on which a notice is issued under this section, the Municipal Council shall publish such further detailed rules as may be required, and as may have been approved by the Government under clause (a) of the proviso to section 50, prescribing the mode of levying and recovering the tax therein specified, and the dates on which it or the instalments, if any, thereof, shall be payable,

(c) if the levy of a tax, or of a special portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards unpaid arrears which may have become due during that period '

(2) *Assessment of and liability to rates*

Clause 71 —It is considered expedient to appoint independent officers of Government for assessing taxes in Municipalities to prevent loss of revenue on account of incorrect assessment due to various causes , and to audit the revenue of municipalities

71 (1) For assessing taxes imposed in the form of a rate on buildings and lands in Municipalities, the Government shall appoint for each District an officer not below the rank of an Amildar who shall be called " the assessor " **Appointment of assessor**

(2) The assessor shall also conduct the Revenue Audit of the Municipalities in the District

(3) Every Municipal Council in the District shall contribute towards the pay and allowances of the assessor

and his establishment and the maintenance of his office in proportion to their annual income

[Mys 63 modified]
Clause 72 —The changes made are consequential to insertion of clause 71

Preparation of an assessment list

72 (1) When a rate on buildings or lands or both is imposed, the assessor shall cause an assessment-list of all buildings, or lands, or buildings and lands in the municipality to be prepared containing

(*a*) the name of the street or division in which the property is situated,

(*b*) the designation of the property, either by name or by number, sufficient for identification,

(*c*) the names of the owner and occupier, if known,

(*d*) the annual letting value or other valuation on which the property is assessed, and

(*e*) the amount of the tax assessed thereon

Power to inspect

(2) For the purpose of making such assessment as aforesaid, the assessor and any person appointed to assist him in his work may make an inspection of such property

Returns to be furnished

(3) On the requisition of the assessor, the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief and subscribed with his signature—

(*a*) as to the name and place of abode of the owner or occupier or of both,

(*b*) as to the dimensions of such building or land and the annual letting value or other valuation thereof

[Bom Bor 79]
Clause 73 —This provides for cases when the name of the person primarily liable to pay property taxes cannot be ascertained and facilitates recovery of taxes in such cases

Person primarily liable for a rate on buildings or lands or both how to be designated if his name can not be ascertained

73 (1) When the name of the person primarily liable for the payment of a rate on buildings or lands or both in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment list, and in any notice which it may be necessary to serve upon the said person under this Regulation, "the holder" of such premises, without further description

Occupier liable for a rate on buildings or lands or both until he gives information

(2) If, in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all rates on buildings or lands or both leviable on the premises of which he is in occupation

[Mys 64 modified]
Vide clause 71

Publication of notice of assessment list

74 When the assessment list has been completed the assessor shall give public notice thereof, and of the place where the list or a copy thereof may be inspected, and every person claiming to be either owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge

[Mys 65 modified]
Vide clause 71
[c f Bom Bor 81 (1)]

Public notice of time fixed for revising assessment list

75 (1) The assessor shall, at the time of the publication of such assessment-list, give public notice of a time, not less than one month thereafter, when the revising authority will proceed to revise the valuation and assessment, and, in all cases in which any property is for the first time assessed or the assessment is increased, the assessor shall also give notice thereof to the owner or occupier of the property, if known and if the owner or occupier of the property is not known, he shall affix the notice in a conspicuous place on the property

[New]

Revising authority

(2) The revising authority to whom objections under sub-section (1) may be made are the following —

In a Municipality in which a salaried servant of the Government is the President—the President of the Municipal Council

In other Municipalities—the Assistant Commissioner in revenue charge of the Taluk in which the Municipality is situated

Objections how to be made

(3) All objections to the valuation and assessment shall be made to the assessor before the time fixed in the notice, by application in writing stating the grounds on which the valuation and assessment are disputed, and all applications so made shall be registered in a book to be kept by the assessor for the purpose

Hearing of objections

(4) The revising authority shall, after allowing the applicant an opportunity of being heard in person or by agent,

(*a*) investigate and dispose of the objections,

(*b*) cause the result thereof to be noted in the book kept under sub-section (3), and

(*c*) cause any amendment necessary in accordance with such result to be made in the assessment-list

Authentication of list

(5) When all objections made under this section have been disposed of and all amendments required by sub-section (4) have been made in the assessment list, the said list shall be authenticated by the revising authority

Custody and inspection of list

(6) The list so authenticated shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property specified therein, or to the agents of such persons, and a notice that it is so open shall be forthwith published

(7) Subject—

Authenticated list how for conclusive

(*a*) to such alterations as may thereafter be made therein, under the provisions of the next following section, and

(*b*) to the result of any appeal made under section 107,

the entries in the list so authenticated and deposited shall be accepted as conclusive evidence—

(i) for the purposes of all municipal taxes, of the annual letting value or other valuation of all buildings and lands to which such entries respectively refer, and

(ii) for the purposes of any tax imposed on buildings or lands, of the amount of each such tax leviable thereon throughout the official year to which such list relates

[cf Bom Bor 82]

Clause 76—Provision is made for the levy of taxes on new or reconstructed buildings for the remainder of the year in which they are constructed

Amendment of assessment list

76 (1) The revising authority may at any time alter the assessment list by inserting or altering an entry in respect of any property, such entry having been omitted from or erroneously made in the assessment list through fraud, accident or mistake, or in respect of any building constructed, altered, added to or reconstructed in whole or in part, where such construction, alteration, addition or reconstruction has been completed after the preparation of the assessment list, after giving notice to any person interested in the alteration of the list of a date, not less than one month from the date of service of such notice, before which any objection to the alteration should be made

Objections how dealt with

(2) An objection made by any person interested in any such alteration, before the time fixed in such notice, and in the manner provided by sub section (3) of Section 75, shall be dealt with in all respects as if it were an application under the said section

(3) An entry or alteration made under this section shall, subject to the provisions of Section 107, have the same effect as if it had been made in the case of a building constructed, altered, added to or reconstructed on the day on which such construction, alteration, addition or reconstrution was completed or on the day on which the new construction, alteration addition or reconstruction was first occupied, whichever first occurs, or in other cases, on the earliest day in the current official year on which the circumstances justifying the entry or alteration existed, and the tax or the enhanced tax, as the case may be, shall be levied in such year in the proportion which the remainder of the year after such day bears to the whole year

Effect of amendment.

[Bom Bor 83]

77 (1) When any building or any portion of a building which is liable to the payment of a rate on buildings or lands or both is demolished or removed, otherwise than by order of the Municipal Council, the person primarily liable for the payment of the said rate shall give notice thereof, in writing, to the Municipal Council

Notice to be given to the Municipal Council of demolition or removal of a building

(2) Until such notice is given, the person, aforesaid shall continue liable to pay every such rate as he would have been liable to pay in respect of such building, if the same, or any portion thereof, had not been demolished or removed

(3) Provided that nothing in this section shall apply in respect of a building or portion of a building which has fallen down or been burnt down

[Mys 67 modified]

78 (1) It shall not be necessary to prepare a new assessment-list every year Subject to the condition that every part of the assessment-list shall be completely revised not less than once in every four years, the assessor may adopt the valuation and assessment contained in the list for any year, with such alterations as may be deemed necessary, for the year immediately following

New assessment list need not be prepared every year

(2) But the provisions of sections 74, 75 and 76 shall be applicable every year as if a new assessment-list had been completed at the commencement of the official year

[Mys 68]

79 Every tax imposed in the form of a rate on buildings or lands or on both shall be leviable primarily from the actual occupier of the property upon which the said taxes are assessed, if he is the owner of the buildings or lands, or holds them on a building or other lease from the Governemnet or from the Municipal Council, or on a building lease from any person Otherwise, the said tax shall be primarily leviable as follows, namely

Tax from whom primarily leviable

(*a*) if the property is let, form the lessor,

(*b*) if the property is sublet, from the superior lessor,

(*c*) if the property is unlet, from the person in whom the right to let the same vests

Provided that on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the buildings or lands in respect of which it is due, as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment-list, whichever of those two amounts is the greater

Recovery from occupiers

Provided further, that for any sum paid by, or recovered from, any occupier who is not primarily liable under this section, he shall be entitled to credit in account with the person primarily liable for the payment of that sum

Remedy of occupier in such case

[Mys 68 A]

80 (1) Whenever the title of any person primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings, or lands or both to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall give notice of such transfer in writing to the Municipal Council

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise shall give notice of such transfer to the Municipal Council

Notice to be given to Municipal Council of all transfers of title by persons primarily liable to payment of taxes on buildings or lands

[Mys 68 B]

81 (1) The notice to be given under the last preceding section shall be in the form either of Schedule VIII or Schedule IX, as the case may be, and shall state clearly and correctly all the particulars required by the said form

(2) On receipt of any such notice, the Municipal Council may, if they think it necessary, require the production of the instrument of transfer, if any, or of a copy thereof obtained under Section 57 of the Mysore Registration Regulation, 1903

Form of notice

[Mys 68 C]

82 Whenever such transfer comes to the knowledge of the Municipal Council either through such notice or otherwise, and after such enquiry as may be necessary, the name of the transferee shall be substituted in the Municipal registers for that of the person primarily responsible

Name of transferee to be substituted in the Municipal registers

[Mys 68 D]

83 (1) Every person, primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings or lands, who transfers his title to or over such premises without giving notice of such transfer to the Municipal Council as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all taxes from time to time payable in respect of the said premises until he gives such notice, or until the transfer shall have been recorded in the registers of the Municipal Council

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said taxes or to affect the prior claim of the Municipal Council on the premises conferred by Section 108 for the recovery of the taxes due thereupon

Liability for payment of taxes on buildings or lands to continue in the absence of notice of transfer

[Mys 69 and Bom Bor 86]

Clause 84 —Remission of tax in case of vacancies is logically admissible only where the property is rated on its letting value Not less than two thirds of the tax or instalment may be remitted instead of one half when the property is vacant

84 (1) Where any building or land which is assessed to a rate based on the annual letting value and payable by the year or in respect of which a special sanitary cess is payable by the year, or by instalments, has remained vacant and unproductive of rent throughout the year or portion of the year for which the rate is leviable or throughout the period in respect of which any such instalment is payable, the Municipal Council shall remit or refund not less than two-thirds of the amount of the rate, or of the cess, or instalment of the cess, as the case may be

Provided that no such remission shall be granted unless notice in writing of the fact of the building or land being vacant and unproductive of rent has been given to the Municipal Council, and that no remission or refund shall take effect for any period previous to the day of the delivery of such notice

Remission of tax in case of vacancies, when obligatory

(2) When any such building or land as aforesaid— **When discretional**

(a) has been vacant and unproductive of rent for any period of not less than sixty consecutive days, or

(b) consists of separate tenements one or more of which has or have been vacant and unproductive of rent for any such period as aforesaid, or

(c) is wholly or in great part demolished or destroyed by fire or otherwise deprived of value,

the Municipal Council may remit or refund such portion, if any, of the rate or cess or instalment as they may think, equitable

(3) The burden of proving the facts entitling any person to claim relief under this section shall be upon him **Burden of proof on claimant**

(4) For the purposes of this section a building or land shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not **Explanatory clause**

(3) *Power to charge fees*

[Mys 70 modified]

85 (1) When any license is granted by the Municipal Council under this Regulation, or when permission is given by them for making any temporary erection or for putting up any projection, or for the temporary occupation of any public street or other land vested in the Municipal Council, the Municipal Council may charge a fee for such license or permission **Municipal Council may charge fees for certain licenses**

[Bom Bor 90 (2)]

Clause 85 (2) —There is no provision for recovery of a fee from persons who unauthorisedly use Municipal land, etc The clause enables the Municipal Council to prescribe a higher rate of fee in such cases by way of penalty

(2) The Municipal Council may charge a higher fee by way of penalty for any erection, or projection, or for the use of occupation of any public street or other land vested in the Municipal Council by any person without their permission or license Such fee shall be leviable irrespective of any other penalty or liability to which the person liable to pay the same may be subject under any other provision of this Regulation or any other law for the time being in force The rates of such higher fees shall be determined by rules **Levy of fees for unauthorised occupation or projection**

(3) The Municipal Council may also charge such fees as may be fixed by by-laws under clause (a) of sub-section (1) of Section 52 for the use of any such places mentioned in that sub-section, as belong to the Municipal Council **Market and other fees**

(4) It shall be lawful for the Municipal Council to lease the levy of any fee that may be imposed under sub-section (3) by public auction or private contract **Farming of fees**

(5) When any fee has been leased under sub-section (4), any person employed by the lessee to collect such fees or the lessee himself may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable any person who is liable to pay the fee but refuses to pay it **Power of lessee to expel persons who refuse to pay fees**

(4) *Special provisions relating to certain taxes*

[Mys 71 and Bom Bor 91]

86 (1) The Municipal Council may, instead of imposing a water-rate, or where a water-rate has been imposed, in individual cases, instead of levying a rate imposed in respect of the supply of water belonging to the Municipal Council to, or for use in connection with, any private lands or buildings, **Fixed charges and agreements for payment in lieu of taxes for water supplied**

(a) fix at rates not exceeding such as shall be specified in the rules in force under Section 50, charges for such supply according to the quantity used as ascertained by measurement

(*b*) arrange with any person, on his application, to supply on payment, periodical or therwise, water belonging to the Municipal Council in such quantities or for such purposes, whether domestic, ornamental, or irrigational, or for trade, manufacture or otherwise, on such terms and subject to such conditions as they shall fix by agreement with such person

Provided that—

(*a*) the meters, connection pipes and all other works necessary for and incidental to such supplies, and all future repairs, extensions and alterations of such works shall be under the control of the Municipal Council, and the expense thereof shall, so far as is not inconsistent with the rules or by-laws of the Municipal Council, be defrayed by the persons liable in respect of such supplies, and

(*b*) all such supplies of water shall be, and shall be deemed to have been granted, subject to all such conditions as to the limit or stoppage thereof, and as to the prevention of waste or misuse, as are prescribed in the bye-laws for the time being in force under section 52

Power to fix a special rate in lieu of special sanitary cess

(2) When the Municipal Council have made provision for the cleansing of any factory, hotel, club or group of buildings or lands used for any one purpose and under one management, they may, instead of levying in respect thereof any special sanitary cess imposed under this chapter, fix a special rate, and the dates and other conditions for periodical payments thereof, which shall be determined either,

(i) in accordance with the rules for the time being in force under Section 50, or

(ii) by written agreement with the person who would have been otherwise liable for the cess, povided that, in fixing the amount, proper regard be had to the probable cost to the Municipal Council of the service to be rendered

Power to compound tax on vehicles or animals

(3) When the Municipal Council have imposed a tax on vehicles or animals used for riding, draught or burden and kept within the municipality for use, they may compound with the keeper of any livery-stable or of horses or vehicles kept for sale and hire, for the payment of a lumpsum, for any period not exceeding one year at a time, in lieu of any amount which such keeper would otherwise have been liable to pay on account of the tax imposed as aforesaid

Composition of toll

[New c f Dt Bd 66 (2)]
Clause 86 —(4)This provides for composition of tolls for which there is no provision in the existing Regulation

(4) The Municipal Council may compound for a period not exceeding one year at a time, with any person for a sum to be fixed in accordance with a scale approved by the Municipal Council and to be paid monthly, quarterly, or half-yearly in advance in lieu of all tolls payable in respect of any vehicle or animal belonging to such person and issue a pass for the free admittance of the vehicle or animal, within the limits of the Municipality, provided that the sum charged shall not be less than one-half of the amount which such person would have been liable to pay if the vehicle or animal had to pay toll once every day during the period for which the pass is issued

Composition of octroi

[New c f Minor Municipal Taxation Rule 33]
Clause 86 (5) —This provides for a method of levy which is convenient both to the Municipal Council and the assessee

(5) The Municipal Council may compound for a period not exceeding one year at a time with any merchant, in lieu of the payment of octroi on all or any of the articles according to the rates for the time being in force, for a lumpsum which is based on the average of the duty levied from him on account of such article or articles during the past three years and which should be paid quarterly or half-yearly provided

that the amount charged shall, however, be fixed with due regard to the extent of trade carried on by the merchant in the article or articles concerned

(6) Every sum claimed by the Municipal Council as due under sub-section (1) as a charge fixed by agreement or otherwise on account of water-supply, or as expenses to be defrayed such as are referred to in that sub-section, or as a special rate under sub-section (2) or as a lumpsum payable under sub-sections (3), (4) and (5), shall for the purposes of Chapter VIII be deemed to be, and shall be recoverable in the same manner as, an amount claimed on account of any tax recoverable under the said chapter

Recovery of sums claimed under this section

[Mys 72] 87 Nothing contained in section 86 shall affect the right or powers of the Municipal Council to contract with any person to supply for use beyond the limits of the municipality, at such rates and on such conditions as the Municipal Council may think fit, any quantity of water belonging to the Municipal Council but not required for the purposes of this Regulation

Certain rights not affected by section 86

[ys 73] 88 If it shall at any time appear to the Government, on complaint made or otherwise, that any tax, leviable by a Municipal Council, is unfair in its incidence, or that the levy thereof, or of any part thereof, is obnoxious to the interests of the general public, the Government may require the said Municipal Council, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if, within the period so fixed, such requirements shall not be carried into effect to the satisfaction of the Government, it may, by notification in the Official Gazette, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed

Power of Government to suspend or prohibit levy of objectionable taxes

The Government may, at any time, by a like notification, rescind any such suspension

89 Whenever it appears to the Government that the balance of the municipal fund of any Municipal Council is insufficient for meeting the expenditure incurred under section 224 or under section 227 or for the performance of any duties in respect of which they shall have been declared under section 230 to have committed default, the Government may by notification require the Municipal Council to impose within the municipality, any such tax specified in the notification as may be imposed under section 67 if no such tax is at the time imposed therein, or to enhance any existing tax in such manner or to such extent as the Government consider fit, and the Municipal Council shall forthwith proceed to impose or enhance in accordance with the requisition such tax under the provisions of this chapter, as if a resolution of the Municipal Council had been passed for the purpose under section 68

Power of Government to require Municipal Council to impose taxes.

Provided that—

(*a*) the Government shall take into consideration any objection which the Municipal Council or any inhabitant of the municipality may make against the imposition or enhancement of such tax,

(*b*) it shall not be lawful for the Municipal Council to abandon or modify or to abolish such tax when imposed, and

(*c*) the Government may at any time cancel or modify any requisition made by it under this sub-section, and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly

(5) *Octoi and tolls*

[Mys 75] 90 Every Municipal Council when submitting for sanction a proposal for the imposition of octroi, shall submit therewith for sanction a draft of by-laws for the purposes of clause (*l*) of sub-section (1) of section 52, after observing the requirements of sub-sections (2) and (3) of that section

Octroi by laws to be submitted with proposal for imposition of octroi

91 (1) Every person bringing into, or receiving from beyond, the octroi limits of a municipality any article on which octroi is payable shall, when required by an officer authorised in this behalf by the Municipal Council and so far as may be necessary for ascertaining the amount of tax chargeable,

Power to examine articles liable to octroi

(*a*) permit that officer to inspect, examine and weigh and otherwise deal with the article, and

(*b*) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to the article

(2) If any person bringing into, or receiving from power to search where octroi is leviable beyond, the octroi limits of a municipality in which octroi is leviable, any conveyance or package, shall refuse on the demand of an officer authorised by the Municipal Council in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate or such officer of the Municipal Council as the Government appoints in this behalf by name or office, who shall cause the inspection to be made in his presence

[Mys 77] 92 (1) Every officer demanding octroi by the authority of the Municipal Council shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated

Presentation of bills for octroi

(2) If goods passing into a Municipality are liable to the payment of octroi, then every person who, with the intention to defraud the Municipal Council, causes or abets the introduction of, or himself introduces or attempts to introduce within the octroi limits of the said municipality, any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend to ten times the value of such octroi or to fifty rupees whichever may be greater

Penalty for evasion of octroi

[Mys 77 A] 93 (1) Any person selling or keeping for sale without a license any article liable to octroi for the sale of which a license is required to be obtained, or having in his possession any such article on which octroi has not been paid, shall be liable, on conviction before a Magistrate, to a fine not exceeding ten times the octroi due on all the articles so sold or kept for sale, or possessed, or Rs 100 whichever may be greater, and

Penalty for selling articles liable to octroi without a license or for being in possession of any such article on which octroi has not been paid

(2) Any officer of the Municipal Council authorised by the Municipal Council in this behalf, if he has reason to believe that any such article on which octroi has not been paid, is kept or concealed in any premises, may after obtaining the warrant of a Magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same

Seizure of articles on which octroi duty has not been paid and arrest of persons in possession of such articles

Provided that any article or person so seized or arrested shall be produced before a Magistrate exercising jurisdiction within the Municipality within twenty-four hours from the time of such seizure or arrest

Provided also that nothing in this section shall apply to any such article not exceeding Rs 200 in value kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use

(3) The provisions of the Code of Criminal Procedure shall, so far as may be, apply to all searches and arrests effected under this section

Searches and arrests to be governed by the provisions of the Criminal Procedure Code

[Mys 78]

94 Every Municipal Council imposing any toll under this Regulation shall cause to be kept at each place, where such toll is to be collected a table in Kanarese, showing the amounts leviable in all cases provided for in the rules, including the terms, if any, on which the liability to pay such tolls may be compounded by periodical-payments, and it shall be the duty of every person authorised to demand payment of a toll, to show such table, on the request of any person on whom such demand is made

Tables of tolls to be shown on demand

[Mys 79]

95 (1) In the case of non-payment on demand of any octroi or of any toll leviable by a Municipal Council, the person appointed to collect such octroi or toll may seize any article on which the octroi is chargeable or any vehicle or animal on which the toll is chargeable, or any part of its burden, which is of sufficient value to satisfy the demand, and may detain the same He shall thereupon give the person in possession of the vehicle, animal or article seized a list of the property together with a written notice in the form of Schedule XII, that the said property will be sold as shall be specified in such notice

Power to seize vehicle or animal on non payment of octroi or toll

(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid

Notice of sale

(3) If at any time before the sale has begun, the person whose property has been so seized tenders at the municipal office the amount of all expenses incurred, and of the octroi or toll payable, the Municipal Council shall forthwith release the property seized

Release of property on payment

(4) If no such tender is made, the property may be sold, and the proceeds of such sale shall be applied in payment of such octroi or toll and the expenses incidental to the seizure, detention and sale

Sale

(5) The surplus, if any, of the sale proceeds shall be credited to the municipal fund, and may, on application made to the Municipal Council in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and, if no such application is made, shall be the property of the Municipal Council

Surplus how dealt with

[Mys 80] 96 The Municipal Council, if they think fit, instead of requiring payment of octroi, due from any mercantile firm or public body, to be made at the time when the articles in respect of which it is leviable are introduced within the octroi limits of the municipality, may at any time direct that an account current shall be kept on behalf of the Municipal Council of the octroi so due from any such firm or body as the Municipal Council specify in this behalf Every such account shall be settled at intervals not exceeding one month, and such firm or public body shall make such deposit or furnish such security as the Municipal Council or any committee or officer authorised by them in this behalf, shall consider sufficient to cover the amount which may at any time be due from such firm or body in respect of such dues Every amount so due at the expiry of any such interval shall, for the purposes of Chapter VIII, be deemed to be, and shall be recoverable in the same manner as an amount claimed on acconut of any tax recoverable under the said chapter

Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods

[Mys 81] 97 When any agreement such as is referred to in clause (*b*) of section 41 has been entered into, such one of the bodies entering into the agreement as by the terms thereof shall be specified in this behalf, shall have the same power to establish such octroi limits and octroi stations as that body may deem necessary, for the entire area in which the octroi is to be collected, and shall have the same power of collecting octroi on animals or goods or both brought within the limits so established, and the provisions of this Regulation relating to octroi shall apply in the same way, as if the limits so established were wholly comprised within the area subject to the control of the body by which they are so established, and the collections made and the costs thereby incurred shall, subject to the provisions of section 41, be divided between the funds respectively subject to the control of the bodies so entering into the agreement, in such proportions as shall have been determined in the said agreement

Collection of octroi by one public body on behalf of others

98 (1) It shall be lawful for the Municipal Council to lease the levy of any toll that may be imposed under this Regulation by public auction or private contract, provided that the lessee shall give security for the due fulfilment of conditions of the lease

Farming of tolls

(2) Where any toll has been leased under this section, any person employed by the lessee to collect such tolls shall, subject to the conditions of the lease, have the powers referred to in sub-sections (1) and (2) of section 95, provided that no article distrained may be sold except under the orders of the Municipal Council

[Mys 81 B] 99 The Government may in any particular case issue such orders as it may deem fit for determining in the case of neighbouring local authorities, which local authorities shall be in charge of particular toll stations and how much of the revenue realised by one local authority from a toll station or toll stations in its charge shall be paid to another neighbouring local authority

CHAPTER VIII

Recovery of Municipal Claims

[Mys 82 modified] 100 (1) When any amount—

(*a*) which, by or under any provisions of this Regulation, is declared to be recoverable in the manner provided by this chapter, or

Presentation of bill for taxes

(*b*) which, not being leviable under sub-section (1) of section 95, or payable on demand on account of an octroi or a toll, is claimable as an amount or instalment on account of any other tax which now is imposed or hereafter may be imposed in any municipality,

shall have become due, the Municipal Council shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof, a bill for the sum claimed as due

Contents of bill

(2) Every such bill shall specify—

(*a*) the period for which, and

(*b*) the property, occupation or thing in respect of which,

the sum is claimed, and shall also give notice of—

(i) the liability incurred in default of payment, and of

(ii) the time within which an appeal may be preferred as hereinafter provided against such claim

If bill not paid within fifteen days, notice of demand to issue

[Bom Bor 104 (3)]
Clause 100 (3) —It is desirable that the notice of demand should be served on the person liable only if a bill has been presented

(3) If the sum for which any bill has been presented as aforesaid is not paid into the municipal office, or to a person authorised by any rule in that behalf to receive such payments, within fifteen days from the presentation thereof, the Municipal Council may cause to be served upon the person to whom such bill has been presented a notice of demand in the form of Schedule X, or to the like effect

In what cases warrant may issue

[Bom Bor 105]
Clause 101 —Municipal Councils have been given the power to recover arrears by attachment of immovable property of defaulters, subject to the prior claim of Government in respect of land revenue

101 (1) If the person on whom a notice of demand has been served under Section 100, sub-section (3), does not, within fifteen days from the service of such notice of demand, either—

(*a*) pay the sum demanded in the notice, or

(*b*) show cause to the satisfaction of the Municipal Council, or of such officer as the Municipal Council by rule may appoint in this behalf, or of the Chief Officer, if any, why he should not pay the same, or

(*c*) prefer an appeal in accordance with the provisions of Section 107 against the demand,

such sum with all costs of the recovery may be levied under a warrant caused to be issued by the Municipal Council in the form of Schedule XI or to the like effect, by distress and sale of the movable property or the attachment and sale of the immovable property of the defaulter

[Bom Bor 105 (1)—Proviso]

Provided that where any measures, precautionary or otherwise, have been taken in respect of any such property for the recovery of any sum claimed by the Government, any proceedings under this chapter in respect of such property shall abate

Warrant by whom to be signed

(2) Every warrant issued under this section shall be signed by the President of the Municipal Council causing the same to be issued, or by the Chief Officer, if any

To whom the warrant should be addressed

(3) Where the property is in the area under the control of the Municipal Council, the warrant shall be addressed to an officer of the Municipal Council Where the property is in another Municipality, or in a place which is not a Municipality, the warrant shall be addressed to the President of the Municipal Council concerned or to the Amildar of the Taluk as the case may be, provided that such President or Amildar may endorse such warrant to a subordinate officer

(4) It shall be lawful, for any officer to whom a warrant issued under sub-section (2) is addressed or endorsed, if the warrant contains a special order authorising him in this behalf, but not otherwise, to break open, at any time between sunrise and sunset, any outer or inner door or window of a building, in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance Provided that such officer shall not enter or break open the door of any apartment appropriated for women until he has given three hours, notice of his intention and has given such women an opportunity to remove

Power of entry under special order

[Bom Bor 105 (4)] (5) It shall also be lawful for any such officer, if authorised by the warrant, to distrain, wherever it may be found, any movable property or attach any immovable property of the person named in the warrant issued under sub-section (1) as defaulter, subjct to the following conditions, exceptions and exemptions, namely —

Warrant how to be executed

(*a*) The following property shall not be distrained —

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(ii) the tools of artizans,

(iii) when the defualter is an agriculturist, his implements of husbandry, seed grain, and such cattle as may ben ecessary to enable the defaulter to earn his livelihood

(*b*) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of a person authorised by or under sub-section (2) to sign a warrant or of the person to whom the warrant was addressed, should not have been so distrained, they shall forthwith be returned

(*c*) The officer shall on distraining or attaching the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of distraint or attachmet, a written notice in the form of Schedule XII that the said property will be sold as shall be specified in such notice

(*d*) (i) When the property is immovable, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way and all persons from taking any benefit from such transfer or charge

(ii) The order shall be proclaimed at some place on or adjacent to the property by beat of drum or other customary mode and a copy of the order shall be fixed on a conspicious part of the property and then upon a conspicuous part of the Municipal Office, and also, when the property is land paying revenue to the Government, in the office of the Deputy Commissioner of the District in which the land is situated

(*e*) After such attachment, any transfer of or charge on the property attached or any interest therein made without the written permission of the Municipal Council shall be void as against all claims of the Municipal Council enforceable under the attachment

[c f Sections 88 (6A) to (6D) of Cr Pro Code]

Clause 102 —This provides for disposal of claims and objections to property attached

Disposal of claims and objections

102 (1) If any claim is preferred to or objection made to the attachment of, any property attached under section 101 within one month from the date of such attachment, by any person other than the defaulter, on the ground that the claimant or objector has an interest in such property, and that such interest is not liable to attachment under that section, the claim or objection shall be inquired into, and may be allowed or disallowed in whole or in part

Provided that any claim preferred or objection made within the period allowed by this sub-section may, in the event of the death of the claimant or objector, be continued by his legal representative

(2) Claims or objections under sub-section (1) may be preferred or made to the authority by whom the order of attachment is issued

(3) Every such claim or objection shall be inquired into by the authority to which it is preferred or made

(4) Any person whose claim or objection has been disallowed in whole or in part by an order under sub-section (1) may, within a period of three months from the date of such order, institute a suit to establish the right which he claims in respect of the property in dispute , but subject to the result of such suit, if any, the order shall be conclusive

[Mys 84 and Bom Bor. 106]

Sale of goods distrained in special cases

103 (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the President or Chairman or Officer by whom the warrant was signed, shall at once give notice to the person in whose possession the property was when distrained, to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid

Sale of property distrained or attached , application of proceeds of sale

(2) If not sold at once under sub-section (1), the property distrained or attached or in the case of immovable property a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs incidental to the notice, warrant, and distress or attachment and detention of the property, is paid, be, on the expiry of the time specified in the notice served by the officer executing the warrant, sold by public auction under the orders of the Municipal Council, and the proceeds, or such part thereof as shall be requisite, shall be applied firstly in discharge of any sum due to the Government in respect of such property and secondly in discharge of the sum due and of all such incidental costs as aforesaid Where the sum due together with costs is paid by the dafaulter as aforesaid, the attachment, if any, of immovable property shall be deemed to have been withdrawn Sales of immovable property under this sub-section shall be held in the manner laid down in the rules framed in that behalf

[Bom Bor 106 (3)]

Clause 103 (3) —The period of limitation for claiming the surplus is raised from one to three years

Surplus, if any, how dealt with

(3) The surplus, if any, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the person in whose possession the property was at the time of distraint or attachment, but if the same be claimed by written application to the Municipal Council within three years from the date of the notice given under this sub-section a refund thereof shall be made to such person Any sum not claimed within three years from the date of such notice shall be the property of the Municipal Council

Clause 103 (4) —Provision is made for possession of immovable property sold for arrears of Municipal dues, similar to section 187A of the Land Revenue Code with suitable changes

(4) Where any lawful purchaser of immovable property sold under this section is resisted or obstructed by any person in obtaining possession of the property, he may make an application to the civil court having jurisdiction over the property complaining of such resistance or obstruction Such court shall proceed to investigate the matter as if the property were purchased by the applicant at a sale held by that court

Investigation when lawful purchaser is resisted or obstructed

[Mys 84A and Bom

104 Where the warrant is addressed outside the municipality the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained or attached and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall apply mutatis mutandis Such officer after deducting all costs of recovery incurred by him remit the amount recovered under the warrant to the authority by whom it was issued, who shall dispose of the same in accordance with the provisions of section 103

[Mys 84B]

105 (1) If the Municipal Cuoncil shall at any time have reason to believe that any person from whom any sum recoverable under the provisions of this Chapter is due or is about to become due, is about to remove from the Municipal areas, the Municipal Council may cause a bill for the sum due or about to become due to be presented to such person and demand immediate payment thereof

(2) If, on presentation of such bill, the said person does not forthwith pay the sum due or about to become due by him the amount shall be leviable by distress and sale of the movable property of the defaulter in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand and the Municipal Council's warrant for distress and sale may be issued and executed without any delay '

Summary proceedings may be taken agains persons abou to leave the Municipality

[Mys 85 and Bom Bor 108]

Clause 106 —This removes inaccuracies in the existing section 85

106 Fees for--

(*a*) every notice issued under sub-section (3) of section 100,

(*b*) every distress or attachment made under sub-section (5) of section 101, and

(*c*) the costs of maintaining any live-stock seized under the said sub-section,

shall be chargeable at the rates respectively specified in such behalf in the rules of the Municipal Council, and shall be included in the costs of recovery to be levied under section 103

Fees and costs chargeable

[Mys 86 modified]

107 (1) Appeals against any notice of demand issued under sub-section (3) of section 100, may be made to any Magistrate or Bench of Magistrates by whom, under the directions of the Government or of the District Magistrate, such class of cases is to be tried

Appeal to Magistrates

But no such appeal shall be heard and determined unless—

(*a*) the appeal is brought within fifteen days next after service of the notice of demand complained of, and

(*b*) an application in writing, stating the grounds on which the claim is disputed, has been made as follows, that is to say

(i) in the case of a rate on buildings or lands, to the assessor within the time fixed in the notice given under section 75 or 76 of the assessment or alteration thereof, according to which the bill is prepared

(ii) in the case of any other claim for which a bill has been presented under sub-section (1) of section 100 to the Municipal Council within fifteen days next after the presentation of such bill, and

(c) the amount claimed from the appellant has been deposited by him in the municipal office

[Bom Bor 111]
Clause 107 (2) and (3) — Provision is made for a revision application in respect of the decision of the Magistrate or Bench of Magistrates

Revision of decisions on appeal

(2) The decision of the Magistrate or Bench of Magistrates upon any appeal, shall at the instance of either party, be subject to revision by the Court to which appeals against his or their decisions ordinarily lie

(3) Effect shall be given by the Municipal Council to every decision of the said Magistrate or Bench of Magistrates on any appeal or any decision in revision on such appeal

[Mys 87]

Liability of land, buildings, etc, for rates

108 All sums due on account of any tax imposed in the form of a rate on lands or buildings, or on both, mentioned in section 79, shall subject to prior payment of land revenue, if any, due to Government thereupon, be a first charge upon the building or land, in respect of which such tax is leviable, and upon the movable property, if any, found within or upon such building or land, and belonging to the person liable for such tax or taxes

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation

[Mys 88]

Suspension of power to recover by distress and sale

109 (1) The Government may at any time by notification suspend the operaton of sections 101 and 103, in any municipality, and from such date as shall be fixed in this behalf in the notification, every amount due on account of any tax theretofore recoverable under the said sections, shall be recoverable on application to a Magistrate, in the manner provided in sub-section (2) of section 198 for the recovery of such fines as are therein referred to, and not otherwise

[Mys 89]

Receipts to be given for all payments.

(2) For all sums paid on account of any tax under this Regulation, a receipt stating the amount, and the tax on account of which it has been paid shall be tendered by the person receiving the same

CHAPTER IX

Municipal Powers and Offences

(I) *Powers in respect of streets*

[Mad 172]

Temporary closure of streets

110 The Municipal Council may, by an order in writing, temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water-supply or lighting, or any of the purposes of this Regulation

Provided that such work shall be completed and such street re opened to traffic with all reasonable speed

[Cal 301]

Provision of facilities and payment of compensation when work is executed in public steet

111 (1) When any work is being executed by the Municipal Council in any public street they shall, so far as may reasonably be practicable, make adequate provision for—

(a) the passage or diverson of traffic,

(b) proper access to all premises approached from such street and

(c) any drainage, water-supply, or means of lighting which are interrupted by reason of the execution of such work

(2) The Municipal Council shall pay compensation to any person who sustains special damage by reason of the execution of any such work

[Mys 90 (1) and (2)]
[Bom Bor 114]
Clause 112 —Provision has been made for the lease of land which is not required for a public street, etc

Power regarding street, etc

112 (1) It shall be lawful for the Municipal Council to lay out and make new public streets, and to construct tunnels and other works subsidiary to the same, and to widen, open, enlarge, or otherwise improve any such streets, and to turn, divert, discontinue, or stop up any such streets, and, subject to the provisions of sub-section (2) of section 42, to lease or sell any such land theretofore used or acquired by the Municipal Council for the purposes of such streets, as may not be required for any public street or for any other purposes of this Regulation

(2) In laying out or making or in turning, diverting, widening, opening, enlarging, or otherwise improving any public street, in addition to the land required for the carriage-way and foot-ways and drains thereof, the Municipal Council may purchase the land necessary for the houses and buildings to form the said street, and, subject to the provision contained in sub-section (2) of section 42, may sell and dispose of such additional land in perpetuity or on lease for a term of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as they may think fit

[Mys 90 (3), (4), (5)]

Power to require repair of streets;

113 (1) When the Municipal Council consider that in any street ,not being a public street, or in any part of such street, within the municipality it is necessary for the public health convenience or safety that any work should be done for the levelling, paving, metalling, flagging, channelling, draining, lighting or cleaning thereof, the Municipal Council may by written notice require the respective owners of the lands or buildings fronting, adjoining or abutting upon such street or part thereof, to carry out such work in any manner and within a time to be specified in such notice

and to declare such streets public

(2) After such work has been carried out by such owners or, as provided in section 192, by the Municipal Council at the expense of such owners, the street or part thereof in which such work has been done shall on the joint requisition of a majority of the said owners, be declared by a public notice, put up therein by the Municipal Council, to be a public street

[Bom Bor 115 (3)]
Clause 113 (3) —There is no provision in the existing Regulation for recovery of the expenses incurred by the Municipal Council in improving a private street from the owners concerned according to considerations which may appear to be just Power is given to the Municipal Council to apportion the charges incurred in such manner as the Municipal Council

(3) If the notice under sub section (1) is not complied with and such work is executed by the Municipal Council as provided in section 192, the expenses thereby incurred shall be apportioned by the Municipal Council, between such owners in such manner as they may think fit, regard being had, if they deem it necessary, to the amount and value of any work already done by the owners or occupiers of any such lands or buildings

Power to declare any street a public street subject to objections by the owners

(4) A Municipal Council may, at any time, by notice fixed up in any street or part of a street not maintainable by the Municipal Council, give intimation of their intention to declare the same a public street, and unless within one month next after such notice has been so put up, the owner or the majority of several owners of such street or such part of a street lodges or lodge objections thereto at the municipal office, the Municipal Council may, by notice in writing put up in such street, or such part, declare the same to be a public street

[Mys 91]

New streets

114 (1) Every person intending to lay out or make any new street, shall give notice in writing thereof to the Municipal Council, and shall furnish plans and sections

showing the intended level, means of drainage, direction and width of such street, if required by the Municipal Council to do so and the level, means of drainage, direction and width of every such street shall be fixed or approved by the Municipal Council

(2) Before passing orders under sub section (1), the Municipal Council may either issue —

Power of Municipal Council to pass orders

(*a*) a provisional order directing that, for a period therein specified which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(*b*) a demand for further particulars

(3) If—

Right to proceed in certain cases

(*a*) within one month from the receipt of the notice given under sub section (1), the Municipal Council have neither

(i) passed orders and served notice thereof either fixing or disapproving the proposals submitted under sub section (1) with regard to level, means of drainage, direction and width of the street, nor

(ii) under sub-section (2), issued any provisional order or demand for further particulars, or if

(*b*) the Municipal Council, having issued such demand for, and having received, in accordance with the demand and with the by-laws in force in this behalf, such further particulars, have issued no further orders within one month from the receipt of such particulars,

then the street may be laid out and made, in such manner as may have been specified in the notice and as is not inconsistent with any provision of this Regulation or of any by-law for the time being in force thereunder

Penalty

(4) Whoever lays out, makes or builds upon any such street, either without giving the notice required by sub section (1), or, except in accordance with the provisions of sub section (3), without awaiting, or otherwise than in accordance with, the instructions issued by the Municipal Council, or in any manner contrary to the provisions of this Regulation or of any by law in force thereunder, shall be punished with fine which may extend to two hundred rupees, and the Municipal Council may cause any street so laid out or made to be altered, and any building erected in such street contrary to their directions to be altered, or removed, and the expense thereby incurred shall be paid to them by the offender, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII

[Mys 91 (A)]
Note—Reference to City Municipal Councils is omitted in sub clause (1) of this clause

The Regular line of public street

115 (1) It shall be lawful for such Municipal Council as may be notified by Government in this behalf, to prescribe a line on either side or both sides of any public street within the Municipality and the Municipal Council may from time to time prescribe a fresh line in substitution of any line so prescribed, or for any part thereof

Provided that—

(*a*) at least one month previous to prescribing such line or such fresh line, as the case may be, the Municipal Council shall notify the same in the *Mysore Gazette* and shall give public notice of it and they shall also put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed and shall further give notice to the owners or occupiers of the lands affected by such alignment,

(*b*) the Municipal Council shall consider any written objection or suggestion in regard to such proposal delivered at the office of the Municipal Council within such time as they may specify in such public or special notice, and

(*c*) the Municipal Council shall prepare a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed therein which shall be open for the inspection of the public

(2) The line for the time being so prescribed shall be called 'the regular line of the public street'

(3) (*a*) Except under the provisions of section 142, no person shall construct or reconstruct any portion of any building, within the regular line of the public street without the permission of the Municipal Council under section 122

(*b*) Where the Municipal Council refuses permission to construct or reconstruct any building in any area shall thenceforth be vested in the Municipal Council and deemed part of the public street

within the regular line of public street ~~street~~ such area

(*c*) Compensation, the amount of which shall, in case of dispute be ascertained and determined in the manner provided in section 196, shall be paid by the Municipal Council to the owner of any land vesting in the Municipal Council under clause (*b*) of sub-section (3) for the value of the said land and also for any loss, damage, or expense incurred by him in consequence of any action taken or order passed by the Municipal Council under the said clause (*b*)

(4) Whoever contravenes the provisions of sub-section (3) shall be punished with fine which may extend to two hundred rupees, and the Municipal Council may—

(*a*) direct that the building be stopped, and

(b) by a written notice, require such building or portion thereof to be altered or demolished as they may deem necessary

(2) *Powers to regulate buildings, etc*

[Mys 92]

Setting back projecting buildings

116 (1) If any part of a building projects beyond the regular line of a public street either as existing or as determined upon for the future, or beyond the front of the building on either side thereof, the Municipal Council may,—

(*a*) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(*b*) if the projecting part is not such external structure as aforesaid, then, whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burned down or has fallen down,

require by written notice either that the part, or some portion of the part, projecting beyond the said regular line or beyond the said front of the adjoining building on either side thereof, shall be removed, or that such building when being rebuilt shall be set back to or towards the

said regular line or the front of such building And the portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the Municipal Council

Acquisition of land which is within the regular line of a street and open or occupied only by platforms, etc

(2) If any land, not vested in the Municipal Council whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building other than a platform, verandah, step or other such external structure, the Municipal Council, after giving the owner of the land not less than fifteen clear days' written notice of their intention, or if the land is vested in Government, then with the permission in writing of the Deputy Commissioner may take possession of the said land with its enclosing wall, hedge or fence, if any, and, if necessary, clear the same, and the land so acquired shall thenceforward be deemed a part of the public street, and be vested in the Municipal Council

Compensation payable by the Municipal Council

(3) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 196, shall be paid by the Municipal Council to the owner of any land added to a street under sub-section (1) or acquired under sub-section (2), for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the Municipal Council under either of the said sub-sections, provided that no such compensation shall be payable in cases to which section 148 applies

[Bom Bor 119(4)]

(4) When the amount of compensation has been so ascertained and determined, or when a ruinous or dangerous building falling under sub-section (1) has been taken down under the provisions of section 148, the Municipal Council may, after tendering the amount of compensation, if any, as may be payable, take possession of the land so added to the street, and, if necessary, may clear the same

[Mys 93]

Setting forward to regular line of street

117 The Municipal Council may, upon such terms as they think fit, allow any building to be set forward for improving the line of any public street in which such building is situated

[Mys. 93 A]

Buildings at corner of streets

118 (1) The Council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent or otherwise as they may determine, and may acquire such portion of the site at the corner as they may consider necessary for public convenience or amenity

(2) For any land so acquired, the Municipal Council shall pay compensation

(3) In determining such compensation, allowance shall be made for any benefit accruing to the same premises from the improvement of the streets

[Mys 94]

Roofs and external walls of buildings not to be made of inflammable materials

119 (1) The external roofs and walls of buildings erected or renewed after the coming into force of this Regulation shall not be made of grass, wood, cloth, canvas, leaves, mats or other inflammable materials, except with the written consent of the Municipal Council, which may be given either specially in individual cases, or generally in respect of any area specified therein

(2) The Municipal Council may at any time, by written notice, require the owner of any building which has an external roof or wall made of any such materials as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice, whether such roof or wall was or was not made before the time at which this Regulation came into force, and whether it was made with or without the consent of the Municipal Council

Power to require removal of roof and wall if inflammable

(3) Whoever without such consent as is required by sub-section (1) makes, or causes to be made, or in disobedience to the requirements of a notice given under sub section (2) suffers to remain, any roof or wall of such materials as aforesaid, shall be punished with a fine which may extend to twenty-five rupees, and with a further fine which may extend to ten rupees for every day on which the offence is continued after the date of the first conviction

Penalty

[Mys 95]

120 No building shall hereafter be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the Municipal Council, or into some stream or river, or some cesspool, or other suitable place which may be approved of by the Municipal Council

Level of buildings

[Mys 95 A]

121 The Municipal Council may require that any building, used or intended to be used as a warehouse for the storage of grain, shall be protected or erected so as to render such building rat-proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building

Provided that the provisions of this section shall be enforceable only within such areas as may be notified by the Municipal Council from time to time with the previous approval of Government

Rat proof building for warehouse for storing grain

[Mys 96 modified and Bom Bor 123]

Clause 122 (1) and (2)—Sub-sections (1) and (2) of the existing Section 96 have been amplified so as (1) to require the person constructing to furnish all information required by the by laws regarding limits, design etc, and to state the purpose for which the building will be used, (2) to empower the Municipal Council without any special authorisation by the Government to impose conditions as to materials, dimensions and cubical contents of rooms, doors, and windows and (3) to impose conditions as to the number of storeys to be erected or the purposes for which the building is to be used

122 (1) Before beginning to construct any building, or to alter externally or add to any existing building, or to construct or reconstruct any projecting portion of a building in respect of which the Municipal Council are empowered by section 116 to enforce a removal or set-back, or to construct or reconstruct which the Municipal Council are empowered by section 115 to give permission, the person intending so to construct, alter, add or reconstruct shall give to the Municipal Council notice thereof in writing, and shall furnish to them at the same time, if required by a by-law or by special order to do so, a plan showing the levels, at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the Municipal Council, and all information required by the by-laws or demanded by the Municipal Council regarding the limits, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, sewers, privies, water-closets, and cesspools if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets, and the purpose for which the building will be used

Notice of new buildings

(2) Save as otherwise provided in this Regulation or the rules and by-laws thereunder, the Municipal Council may

Power of Municipal Council to pass orders

(*a*) either give permission to construct, alter, add or reconstruct according to the plan and information furnished or

(*b*) may impose in writing conditions, in accordance with this Regulation and the rules and by-laws made thereunder, as to level, drainage, sanitation, materials or to the dimensions and cubical contents of rooms, doors, windows, and apertures for ventilation or to the number of storeys to be erected, or with reference to the location of the building in relation to any existing building or street, existing or projected, or the purpose for which the building is to be used, or may

(*c*) direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to their satisfaction Provided that the direction in sub-clause (*c*) shall apply only to buildings on sites not laid out by the Municipal Council or other competent authority, and (*ii*) shall not be in force after six months from the date on which direction is given

Clause 122 (3) —The period of three months during which the building should not be proceeded with in consequence of the provisional order is too long and is reduced to one month as in Bombay City Municipalities

Or to suspend the work or to require further particulars

(3) Before issuing any orders under sub-section (2) the Municipal Council may, within one month from the receipt of such notice, either issue,

(*a*) a provisional order directing that for a period, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(*b*) may demand further particulars

Right to proceed in certain cases

(4) A building proposed in a notice given under sub-section (1) may be proceeded with in such manner, as may have been specified in such notice, as is not inconsistent with any provision of this Regulation or of any by-law for the time being in force thereunder in the following cases, that is to say —

(*a*) in case the Municipal Council, within one month from the receipt of the notice given under sub-section (1), have neither—

(i) passed orders under sub-section (2) and served notice thereof in respect of the intended work, nor

(ii) issued under sub-section (3) any provisional order or any demand for further particulars,

Note —Proviso to sub-section (4) of the existing section is omitted as a new sub-section (5) has been inserted

(*b*) in case the Municipal Council having issued such demand for, and having received in accordance with the by-laws in force in this behalf, such further particulars have issued no further orders within one month from the receipt of such particulars

Clause 122 (5) —This prescribes a time limit for the commencement of the work

(5) No person who becomes entitled under sub-section (2) or sub-section (4) to proceed with any intended work of which notice is required by sub-section (1) shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of sub-sections (1) to (4) And no person to whom permission to erect or alter or add to any building has been granted before the date on which this sub-section comes into force shall be entitled to commence such work after the expiry of one year from such date

(6) Whoever begins or makes any building or alteration or addition without giving the notice required by sub-section (1), or without furnishing the plan or affording the information above prescribed, or except as provided in sub-section (4), without awaiting, or in any manner contrary to, such legal orders of the Municipal Council as may be issued under this section or contrary to the provisions of sub-sections (4) or (5) or in any other respect contrary to the provisions of this Regulation or of any by-law in force thereunder, shall be punished with fine which may extend to two hundred rupees, and , the Municipal Council may—

(*a*) direct that the building, alteration, or addition be stopped, and

(*b*) by written notice, require such building, alteration or addition to be altered or demolished, as they may deem necessary

(7) The Municipal Council or any officer deputed by them may at any time inspect the erection of any building without giving notice of their or his intention to do so, and at any time during the erection of a building or the execution of any such work as aforesaid, may by written notice specify any matter in respect of which the erection of such building, or the execution of such work, may be in contravention of any provision of this Regulation or of any by-law made under this Regulation at the time in force, and require the person erecting or executing, or who has erected or executed, such building or work, or ,if the person who has erected or executed such building or work is not at the time of notice the owner thereof, then the owner of such building or work to cause anything done contrary to any such provision or by-law to be amended, or to do anything which by any such provision or by-law he may be required to do but which has obeen mitted

EXPLANATION —The expression to erect a building" throughout this chapter includes—

(*a*) any material alteration, enlargement or re-construction of any building,

(*b*) the conversion into a place as human habitation of any building not originally constructed for human habitation

(*c*) the conversion into more than one place for human habitation of a building originally constructed as one such place

(*d*) the conversion of two or more places of human habitation into a greater number of such places,

(*e*) such alterations of the internal arrangements of a building as affect its drainage ventilation or other sanitary arrangements or its security or stability, and

(*f*) the addition of any rooms, buildings or other structures to any building

And a building so altered, enlarged, re-constructed, converted, or added to, shall, for the purpose of this chapter, be deemed to be a new building

Clause 123 omitted

[Mys 97] 124 It shall not be lawful for any person to erect any hut or shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Regulation comes into operation, without giving previous notice to the Municipal Council and the Municipal Council may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the Municipal Council may think proper for ventilation and to facilitate scavenging, and at such a level as will admit of sufficient drainage, and may require such huts to be provided with such number of privies and such means of drainage as to them may seem necessary. If any hut or shed or range or block be built without giving such notice to the Municipal Council, or otherwise than as required by the Municipal Council, the Municipal Council may give written notice to the owner or builder thereof or to the onwer or occupier of the land on which the same is erected or is being erected, requiring him within such reasonable time as shall be specified in the notice to take down and remove the same, or to make such alterations therein or additions thereto as having regard to sanitary considerations the Municipal Council may think fit **Regulation of huts.**

[Mys. 98] 125 (1) Whenever the Municipal Council are of opinion that any huts or sheds whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Regulation comes into operation or subsequently erected, are by reason **Improvement of huts**

(*a*) of insufficient ventilation or of the manner in which such huts or sheds are crowded together, or

(*b*) of the want of a plinth or of a sufficient plinth or of sufficient drainage, or

(*c*) of the impracticability of scavenging,

attended with risk of disease to the inhabitants or the neighbourhood, they shall cause a notice to be affixed to some conspicuous part of each such hut or shed, requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the Municipal Council for that purpose, to take down and remove such hut or shed, or to execute such operations as the Municipal Council may deem necessary for the avoidance of such risk

(2) In case any such owner or occupier shall refuse or neglect to take down and remove such huts or sheds,

or to execute such operations within the time appointed, the Municipal Council may cause the said huts or sheds to be taken down, or such operations to be performed in respect of such huts or sheds as they may deem necessary to prevent such risk

(3) If such huts or sheds be pulled down by the Municipal Council, the Municipal Council shall cause the materials of each hut or shed to be sold separately, if such sale can be effected, and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner be unknown or the title disputed, shall be held in deposit by the Municipal Council until the person interested therein shall obtain the order of a competent Court for the payment of the same

Provided always that in case any huts or sheds, existing at the time when the land on which they are situate first became part of a Municipality, should be pulled down under this section by order of the Municipal Council or in pursuance of their notice, compensation shall further be made to the owner or owners thereof, and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in section 196

(3) *Powers connected with drainage, water works, etc*

[Mys 99] 126 (1) All sewers, drains, privies water-closets, house-gullies and cesspools within the Municipality shall be under the survey and control of the Municipal Council **Municipal control over drains, etc**

(2) All covered sewers and drains, and all cesspools, whether public or private, shall be provided by the Municipal Council or other person to whom they severally belong, with proper traps, or other coverings or means of ventilation, and the Municipal Council may by written notice call upon the owner of any such covered sewers, drains, or cesspools to make provision accordingly

[Mys 100] 127 (1) In order to carry out any drainage scheme, it shall be lawful for a Municipal Council to carry any drain, sewer, conduit, tunnel, culvert, pipe or water-course through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the Municipality **Powers for making drains**

(2) The Municipal Council, or any officer appointed by them for such purpose, may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the Municipal Council has been already constructed, or may repair or alter any drain vested in the Municipal Council

(3) In the exercise of any power under this section no unnecessary damage shall be done, and compensation, which shall, in case of dispute, be ascertained and determined in the manner provided in section 196, shall be paid by the Municipal Council to any person who sustains damage by the exercise of such power

128 (1) If any building or land be at any time undrained, or not drained to the satisfaction of the Municipal Council, the Municipal Council may by written notice call **Sufficient drainage of houses**

upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as they think necessary for the drainage of such building or land into—

(*a*) some drain or sewer, if there be a suitable drain or sewer within fifty feet of any part of such building or land, or

(*b*) a covered cesspool to be provided by such owner

(2) It shall not be lawful newly to erect any building, or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until— **New buildings not to be erected without drains**

(*a*) a drain be constructed, of such size, materials and description, at such level, and with such fall, as shall appear to the Municipal Council to be necessary for the effectual drainage of such building ,

(*b*) there have been provided for and set up in such building and in the land appurtenant thereto all such appliances and fittings as may appear to the Municipal Council to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith

(3) The drain to be constructed as aforesaid shall empty into a municipal drain, or into some place legally set apart for the discharge of drainage, situated at a distance not exceeding fifty feet from such building, but if there is no such drain or place within that distance, then such drain shall empty into such cesspool as the Municipal Council direct

[Mys 102]

129 The owner or occupier of any building or land within the Municipality shall be entitled to cause his drains to empty into sewers of the Municipal Council, provided that he first obtains the written permission of the Municipal Council, and that he complies with such conditions as the Municipal Council prescribe as to the mode in which the superintendnece under which the communications are to be made between drains not vested in the Municipal Council and drains which are so vested **Power of owners and occupiers of buildings or lands to drain into municipal drains**

[Rang 101]

Clause 130 —This is to prevent offensive matter and sewage from being let into storm water drains

130 Whenever it is provided in this Regulation that steps shall or may be taken for the effectual drainage of any premises, the Municipal Council may require that there shall be one drain for offensive matter and sewage, and another drain for rain-water and unpolluted subsoil water, each emptying into separate Municipal drains or other places set apart by the Municipal Council for the discharge of drainage or into other suitable places **Sewage and rain water drains to be distinct**

[Mys 103.]

131 (1) If the owner or occupier of any building or land proves to the satisfaction of the Municipal Council that he cannot connect the same with any municipal drain otherwise than by means of a drain to be constructed through land, or to be connected with a drain, belonging to or occupied by or in the use of some other person, the Municipal Council, after giving to such other person a reasonable opportunity of stating any objection to such **Right to carry drain through land or into drain belonging to other persons how and on what conditions to be authorised by Municipal Council**

application, may, if no objection is raised or if any objection which is raised is in their opinion insufficient by an order in writing authorise the owner or occupier first mentioned to carry his drain into, through or under the said land, or into the said drain as the case may be, in such manner and on such conditions as to the payment of rent or compensation, and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the said drains, as may appear to them to be adequate and equitable

Written order of Municipal Council authority for execution of necessary work

(2) Every such order shall be a complete authority to the person in whose favour it is made, or to any agent or other person employed by him for this purpose, after giving or tendering to the owner or occupier of the said land or drain the compensation or rent, if any, specified in the said order, and otherwise fulfilling as far as possible the conditions of the said order, and after giving to the said owner or occupier reasonable notice in writing, to enter upon the land specified in the said order with assistants and workmen at any time between sunrise and sunset, and, subject to all the provisions of this Regulation, to do all such work as may be necessary—

(*a*) for the construction or connection of the drain as may be authorised by the said order, or

(*b*) for discharging any responsibility attaching to him under the terms of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part thereof

[Mys 104]

Work how to be carried out

132 In executing any work under section 131, as little damage as possible shall be done, and the owner or occupier of the buildings or lands for the benefit of which the work is done, shall

(*a*) cause the work to be executed with the least practicable delay,

(*b*) fill in, reinstate and make good at his own cost and with the least practicable delay the ground or any portion of any building or other construction opened, broken up or removed for the purpose of executing the said work, and

(*c*) pay compensation to any person who sustains damage by the execution of the said work

[Mys 105]

Rights of owner of land through which drain is carried in regard to subsequent building thereon

133 If the owner of any land into, through or under which a drain has been carried under section 131 whilst such land was unbuilt upon, shall at any subsequent time desire to erect a building thereon, the Municipal Council may, if they sanction the erection of such building, by written notice require the owner or occupier of the building or land for the benefit of which such drain was constructed, to close, remove or divert the same, and to fill in, reinstate and make good the land in such manner as they may deem to be necessary, in order to admit of the construction or safe enjoyment of the proposed building, and may also, by written notice require the person desiring to erect the building to make such alterations in the location of the building with reference to the drain, or in the details of the construction of the building, and on such terms, as the Municipal Council may deem to be necessary for the maintenance of the drainage connection

[Mys 106]

Provision of privies, etc

134 (1) In case the Municipal Council shall be of opinion that any privy, or cesspool, or additional privies, or cesspools, should be provided in or on any building or land, or, in any Municipality in which a water-closet system has been introduced, that water-closets should be

substituted for the existing privies in or on any building or land, or that additional water-closets should be provided therein or thereon, the Municipal Council may by written notice call upon the owner of such building or land to provide such privies, cesspools or water-closets as the Municipal Council may deem proper

(2) The Municipal Council may by written notice require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the Municipal Council may direct, and to cause the same to be kept in proper order, and to be daily cleaned

(3) The Municipal Council may by written notice require the owner or occupier of any land upon which there is a privy, to have such privy shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood, or to alter as they may direct any privy door or trap door which opens on to any street and which they deem to be a nuisance

[Mys 107 and Bom Bor. 135]

Cost of altering, repairing and keeping in proper order privies, etc

135 (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall, unless constructed at the cost of the Municipal Council, be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued, and the Municipal Council may by written notice require such owner to alter, repair and put the same in good order in such manner as they think fit

Clause 135 (2)—As the section stands, the Municipal Councils have no power to require owners to demolish or close privies It is necessary to give the Municipal Councils this power in order to recover the cost from the owners

(2) The Municipal Council may by written notice require the owner to demolish or close any privy or cesspool, whether constructed before or after the coming into operation of this Regulation, which in the opinion of the Municipal Council, is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleaned or kept in good order

[Mys 108]

Power to close existing private drains

136 When any building or land within the municipality has a drain communicating with any cesspool or sewer, the Municipal Council, if they consider that such drain, though it may be sufficient for the drainage of such building or land, and though it may be otherwise unobjectionable, is not adapted to the general sewerage of the municipality, may close such drain, and such cesspool or sewer, whether it is or is not on land vested in the Municipal Council, on providing a drain or drains equally effectual for the drainage of such building or land, and the Municipal Council may do any work necessary for the purpose

[Mys 109]

Power in respect of sewers, etc unauthorisedly constructed, re built or un stopped

137 The Municipal Council may by written notice require that any sewer, drain, privy, water-closet, house-gully or cesspool on any land within municipal limits, constructed, or rebuilt or unstopped—

(*a*) after such land became part of a municipality, and ,

(*b*) either without the consent or contrary to the orders, directions or general regulations or by-laws of the Municipal Council, or contrary to the provisions of any enactment in force at the time when it was so constructed, rebuilt or unstopped,

shall be demoslished, amended or altered, as they may deem fit, by the person by whom it was so constructed, re-built or unstopped, and every person so constructing, rebuilding or unstopping, any such sewer, drain, privy, water-closet,

house-gully or cesspool, whether he does or does not receive such notice, or does or does not comply therewith shall, in addition to any penalty to which he may be liable on account of such non-compliance, be punished with fine which may extend to twenty-five rupees

[Mys 110] 138 (1) Whoever, without the written consent of the Municipal Council first obtained, makes or causes to be made any drain into or out from any of the sewers or drains vested in the Municipal Council, shall be punished with fine which may extent to twenty-five rupees, and the Municipal Council may by written notice require such person to demolish, alter, re-make or otherwise deal with such drain as they may think fit

Encroachment on municipal drains, etc

(2) No building shall be newly erected or re-built over any sewer, drain, culvert or gutter vested in the Municipal Council without the written consent of the Municipal Council, and the Municipal Council may by written notice require the person who may have erected or re-built such building to pull down or otherwise deal with the same as they may think fit

[Mys 111] 139 (1) The Municipal Council or any officer appointed by them for such purposes may, subject to the restrictions of this Regulation, inspect any sewer, drain, privy, water-closet, house-gully or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings with assistants and workmen, and cause the ground to be opened where he or they may think fit, doing as little damage as may be

Inspection of drains, etc

(2) The expense of such inspection, and of causing the ground to be closed and made good as before, shall be borne by the Municipal Council unless the sewer, drain, privy, water-closet, house-gully or cesspool is found to be in bad order or condition, or was constructed in contravention of the provisions of any enactment, or of any by-laws of the Municipal Council in force at the time, in which case such expenses shall be paid by the owner of such sewer, drain, privy, water-closet, house-gully or cesspool, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Expense of inspection when to be brone by the Municipal Council

[Mys 112] 140 (1) The Municipal Council may, if they think fit, cause any work of the nature to which this sub-chapter applies, to be executed by municipal or other agency under their own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same

Municipal Council may execute certain works under this sub chapter without allowing option to persons concerned of executing the same

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the Municipal Council shall, by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund

Expenses in such cases by whom to be paid

(3) Any pipes, fittings, receptacles, or other appliances for or connected with the drainage of private buildings or lands shall, if supplied, constructed or erected at the expense of the Municipal Council, be deemed to be municipal property, unless the Municipal Council shall have transferred their interest therein to the owner of such buildings or lands

substituted for the existing privies in or on any building or land, or that additional water-closets should be provided therein or thereon, the Municipal Council may by written notice call upon the owner of such building or land to provide such privies, cesspools or water-closets as the Municipal Council may deem proper

(2) The Municipal Council may by written notice require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the Municipal Council may direct, and to cause the same to be kept in proper order, and to be daily cleaned

(3) The Municipal Council may by written notice require the owner or occupier of any land upon which there is a privy, to have such privy shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood, or to alter as they may direct any privy door or trap door which opens on to any street and which they deem to be a nuisance

[Mys 107 and Bom Bor. 135]

Cost of altering, repairing and keeping in proper order privies etc

135 (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall, unless constructed at the cost of the Municipal Council, be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued, and the Municipal Council may by written notice require such owner to alter, repair and put the same in good order in such manner as they think fit

Clause 135 (2) —As the section stands, the Municipal Councils have no power to require owners to demolish or close privies It is necessary to give the Municipal Councils this power in order to recover the cost from the owners

(2) The Municipal Council may by written notice require the owner to demolish or close any privy or cesspool, whether constructed before or after the coming into operation of this Regulation, which in the opinion of the Municipal Council, is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleaned or kept in good order

[Mys 108]

Power to close existing private drains

136 When any building or land within the municipality has a drain communicating with any cesspool or sewer, the Municipal Council, if they consider that such drain, though it may be sufficient for the drainage of such building or land, and though it may be otherwise unobjectionable, is not adapted to the general sewerage of the municipality, may close such drain, and such cesspool or sewer, whether it is or is not on land vested in the Municipal Council, on providing a drain or drains equally effectual for the drainage of such building or land, and the Municipal Council may do any work necessary for the purpose

[Mys 109]

Power in respect of sewers, etc unauthorisedly constructed, re built or un stopped

137 The Municipal Council may by written notice require that any sewer, drain, privy, water-closet, house-gully or cesspool on any land within municipal limits, constructed, or rebuilt or unstopped—

(*a*) after such land became part of a municipality, and ,

(*b*) either without the consent or contrary to the orders, directions or general regulations or by-laws of the Municipal Council, or contrary to the provisions of any enactment in force at the time when it was so constructed, rebuilt or unstopped,

shall be demoslished, amended or altered, as they may deem fit, by the person by whom it was so constructed, re-built or unstopped, and every person so constructing, rebuilding or unstopping, any such sewer, drain, privy, water-closet,

house-gully or cesspool, whether he does or does not receive such notice, or does or does not comply therewith shall, in addition to any penalty to which he may be liable on account of such non-compliance, be punished with fine which may extend to twenty-five rupees

[Mys 110] 138 (1) Whoever, without the written consent of the Municipal Council first obtained, makes or causes to be made any drain into or out from any of the sewers or drains vested in the Municipal Council, shall be punished with fine which may extent to twenty-five rupees, and the Municipal Council may by written notice require such person to demolish, alter, re-make or otherwise deal with such drain as they may think fit

Encroachment on municipal drains, etc

(2) No building shall be newly erected or re-built over any sewer, drain, culvert or gutter vested in the Municipal Council without the written consent of the Municipal Council, and the Municipal Council may by written notice require the person who may have erected or re-built such building to pull down or otherwise deal with the same as they may think fit

[Mys 111] 139 (1) The Municipal Council or any officer appointed by them for such purposes may, subject to the restrictions of this Regulation, inspect any sewer, drain, privy, water-closet, house-gully or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings with assistants and workmen, and cause the ground to be opened where he or they may think fit, doing as little damage as may be

Inspection of drains, etc

(2) The expense of such inspection, and of causing the ground to be closed and made good as before, shall be borne by the Municipal Council unless the sewer, drain, privy, water-closet, house-gully or cesspool is found to be in bad order or condition, or was constructed in contravention of the provisions of any enactment, or of any by-laws of the Municipal Council in force at the time, in which case such expenses shall be paid by the owner of such sewer, drain, privy, water-closet, house-gully or cesspool, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII

Expense of inspection when to be brone by the Municipal Council

[Mys 112] 140 (1) The Municipal Council may, if they think fit, cause any work of the nature to which this sub-chapter applies, to be executed by municipal or other agency under their own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same

Municipal Council may execute certain works under this sub chapter without allowing option to persons concerned of executing the same

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the Municipal Council shall, by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund

Expenses in such cases by whom to be paid

(3) Any pipes, fittings, receptacles, or other appliances for or connected with the drainage of private buildings or lands shall, if supplied, constructed or erected at the expense of the Municipal Council, be deemed to be municipal property, unless the Municipal Council shall have transferred their interest therein to the owner of such buildings or lands

[Mys 112A and C. P 114 to 116]

Clause 141 —The existing Section 112A has been made more comprehensive by providing therein for supply of electric energy for lighting and other purposes Provision has also been made for charging fees for telephone connections This will be useful when the Municipal Councils undertake the additional functions provided for in clause 62

Power of carrying water mains, etc

141 (1) The Depatrment concerned of the Government or the Municipal Council, as the case may be, in whom the duty of construction and maintenance of works for supply of water or electric energy to the Municipality vests, shall have the same powers and be subject to the same restrictions for carrying, renewing, and repairing mains, pipes, ducts, cables or wires, within or without the Municipality, as the Municipal Council have and are subject to, under the provisions hereinbefore contained, for carrying, renewing and repairing drains within the Municipality

Prohibition of making connections without permission

(2) No person shall, without the permission of the Head of the Department concerned of the Government or of the Municipal Council, as the case may be, make any connection with any main, pipe, duct, cable or wire vested in the Government or the Municipal Council or with the house connection of any other person

(3) Such officer in charge of the Department concerned of the Government as may be authorised by the Government in this behalf, or the Municipal Council, as the case may be, may, by notice in writing, require any connection made in contravention of sub-section (2) to be demolished, removed, closed, altered or re made

Fittings to be subject to inspection and approvel

(4) The ferrules, communication-pipes, connections, meters, stand-pipes and all fittings thereon or connected therewith, leading from mains or service cables, wires or pipes into any house or land, and the wires, pipes, fittings and works inside any such house or within the limits of any such land shall, in all cases be executed subject to the inspection and to the satifaction of the Department concerned of the Government or the Municipal Council, as the case may be

Clause 141 —(5)There is no provision for the compulsory recovery of water-supply carges when the water works are under the control of Government Provision has been made for the recovery of the charges as if they were Municipal taxes under the Regulation This will facilitate the recovery of dues on account of water supply and other charges

Power to fix charges for supply and installation of fittings

(5) The Government or the Municipal Council with the approval of Government, as the case may be, may, from time to time, fix the charges to be made for the establishment by them or through their agency of communications from and connections with mains, service cables, wires and pipes for the supply of lighting, telephonage or water and for meters or other appliances for testing the quantity or quality thereof supplied, and such charges shall be recoverable in the manner provided in Chapter VIII, and when the work is under the control of a Department of the Government, such officer of the Government or of the Municipal Council as the Government may appoint in this behalf, shall exercise all the powers conferred on the Municipal Council under Chapter VIII

(4) *Powers regarding external structures, etc*

[Mys 113]

Permission necessary for certain projections

142 (1) The Municipal Council may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof, at such height from the surface of the street as the Municipal Council may fix by by-laws from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall, and may prescribe the extent to which, and the conditions under which roofs, eaves, weather-boards, shop-boards and the like may be allowed to project over such streets

(2) Any such owner or occupier putting up any such projections as aforesaid without such permission or in contravention of such orders, shall be punished with fine which may extend to twenty-five rupees, and if any

such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues

Removal of projections

(3) The Municipal Council may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a municipality, shall have been erected or placed against or in front of such building, and which

(*a*) overhangs or juts into or in any way projects or encroaches upon, any public street, so as to be an obstruction to safe and convenient passage along such street, or which

(*b*) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof

Provided always that the Municipal Council shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a municipality, or after such date with the written permission of the Municipal Council, make reasonable compensation to every person who suffers damage by such removal or alteration, and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner provided in section 196

[Mys 114]

Troughs and pipes for rain water

143 The Municipal Council may, by written notice, require the owner of every building in any street to put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging the same, in such manner as they may think fit, so that it shall not fall upon the persons passing along the street

[Mys 115]

Fixing of brackets, etc to houses

144 The Municipal Council may erect or fix to the outside of any building, brackets for lamps to be lighted with oil or gas, or subject to the provisions of the law in force relating to electricity, for lamps to be lighted with electricity or otherwise, or subject to the provisions of the law in force relating to telegraphs, for telegraph wires or telphonic wires, or for the conduct of electricity for locomotive purposes, or such pipes as they may deem necessary for the proper ventilation of sewers and water-works, and such brackets and pipes shall be erected so as not to occasion any inconvenience or nuisance to the said building or any others in the neighbourhood

[Mys 116]

Naming streets and numbering houses

145 (1) The Municipal Council may from time to time cause to be put up or painted on a conspicuous part of any building at or near each end, corner, or entrance to every street, the name by which such street is to be known and may from time to time fix a number in a conspicuous place on the outer side of any building, or at the entrance of the enclosure thereof fronting the street

(2) Any person who destroys, pulls down or defaces any such name or number, or puts any name or number different from that put up by the Municipal Council, and any owner or occupier of any building who shall not at his own expense keep such number in good order after it has been put up thereon, shall be punished with fine which may extend to twenty-five rupees

[Mys 117 and Bom Bor 147]

Clause 146 —It may be interpreted that the existing section 117 is not applicable to Municipal property The defect has been cured

146 Any person

Penalty fo defacing buildings, etc

(*a*) who, without the consent of the owner or occupier and in the case of municipal property without the permission in writing of the Municipal Council, affixes any posting, bill, placard, or other paper or means of advertisement against or upon any building, wall, board, fence or pale, post, lamp-post or the like, or

(*b*) who, without such consent as aforesaid writes upon, soils, defaces or marks any such building, wall, board, fence or pale, post, lamp post or the like with chalk or paint or in any other way whatsoever,

shall be punished with fine which may extend to twenty rupees

[Mys 118]

Removal and trimming of hedges, trees etc

147 The Municipal Council may by written notice require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet from the level of the street, and width of four feet, and to cut down, lop or trim all trees or shrubs which in any way overhang, endanger, or obstruct or which they deem likely to overhang, endanger or obstruct any public street or to cause damage thereto, or which so overhang any public tank, well, or other provision for water-supply as to pollute or be likely to pollute the water thereof

(5) *Powers for promotion of public health, safety and convenience*

[Mys 119]

Ruinous or dangerous buildings

148 (1) If any building or anything affixed thereon, be deemd by the Municipal Council to be in a ruinous state or likely to fall, or in any other way dangerous to any inhabitant of such building, or of any neighbouring building, or to any occupier thereof, or to passengers, the Municipal Council shall immediately, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers , all expenses incurred by the Municipal Council under this sub-section shall be paid by the owner or occupier of such building, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII

Action to be taken on default by owner or occupier.

(2) The Municipal Council shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or repair such building or thing affixed thereon, as the case shall require, and if such owner or occupier does not begin to repair, take down or secure such building or thing within three days after the service of such notice, and complete such work with due diligence, the Municipal Council shall cause all or so much of such building or thing, as they shall think necessary, to be taken down, repaired, or otherwise secured

Proviso if danger is not imminent

Provided always that if the danger be not of hourly imminence, it shall be at the discretion of the Municipal Council, instead of themselves causing a hoard or fence to be put up, to issue in the first instance a notice in writing to the owner or occupier to put up a proper hoard or fence, and in the event of the owner or occupier failing to put up, within two days from the service of such notice, a hoard or fence which the Municipal Council consider sufficient in the circumstances of the case, the Municipal Council shall at once cause such hoard or fence to be put up and thereafter proceed as provided in sub-sections (1) and (2)

[Mys. 120]

149. (1) The Municipal Council may at any time by written notice require that the owner of, or any person who has the control over, any well, stream, channel, tank or other source of water-supply, shall, whether it is private property or not,

Powers and duties with regard to dangerous, stagnant or insanitary sources of water supply

(a) keep and maintain any such source of water-supply, other than a stream, in good repair, or

(b) within a reasonable time to be specified in the notice, cleanse any such source of water-supply from silt, refuse and decaying vegetation, or

(c) in such manner as the Municipal Council prescribe, protect any such source of water-supply from pollution by surface drainage, or

(d) within twenty-four hours of such notice, repair, protect or enclose in such manner as the Municipal Council approve, any such source of water-supply other than a stream in its natural flow, if for want of sufficient repair, protection or inclosure, such source of water supply is in the opinion of the Municipal Council dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same, or shall

(e) desist from using and from permitting others to use, for drinking purposes any such source of water-supply which not being a stream in its natural flow, is proved to the satisfaction of the Municipal Council to be unfit for drinking, or

(f) if notwithstanding any such notice under clause (e) such use continues and cannot, in the opinion of the Municipal Council, be otherwise prevented, close, either temporarily or permanently, or fill up or enclose or fence in such manner as the Municipal Council consider sufficient to prevent such use, such source of water-supply as aforesaid, or

(g) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the Municipal Council consider is injurious to health or offensive to the neighbourhood

Remedy on non compliance with directions issued

(2) If the owner or person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of sub-section (1), the Municipal Council may, and if in their opinion immediate action is necessary to protect the health or safety of any person shall, at once proceed to execute the work required by such notice, and all the expenses incurred therein by the Municipal Council shall be paid by the owner of, or person having control over, such water-supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII

Provided that in the case of any well or private stream or of any private channel, tank or other source of water-supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by the Municipal Council or necessarily incurred by such owner or person having such control, may, if the Municipal Council so direct, be paid from the municipal fund

[Mys 121]

Displacing pavements, etc

150 (1) Whoever dislpaces, takes up, or makes any alteration in the pavement, gutter, flags, or other materials, of any public street, or the fences, walls, or posts thereof, or any municipal lamp, lamp-post, bracket, water-post, hydrant, or other such municipal property therein, without the written consent of the Municipal Council or other lawful authority, shall be punished with fine which may extend to one hundred rupees

(2) Any person who, having displaced, taken up or made alteartion in any such pavement, gutter, flags, or other materials, or in the fences, walls, posts, municipal lamps, lamp-posts, brackets, water-posts, hydrants, or other municipal property of any public street, fails to replace or restore the same to the satisfaction of the Municipal Council after notice to do so, shall be punished with fine which may extend to fifty rupees, and shall pay any expense which may be incurred in restoring the street, and such expense shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII

Penalty for failure to replace after notice

[Mys 122]

151 (1) Whoever in any place after it has become a municipality shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step, or any projecting structure or thing, or other encroachment or obstruction, in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, sewer, or aqueduct in such street, shall be punished with fine which may extend to twenty-five rupees

Obstructions and encroachments upon public streets and open spaces

(2) The Municipal Council shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the Municipal Council or not, provided that if the space be vested in Government the permission of the Deputy Commissioner shall have first been obtained, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII

(3) Whoever, not being duly authorised in that behalf, removes earth, sand, or other material from, or makes any encroachment in or upon, any open space which is not private property, shall be punished with fine which may extend to fifty rupees, and in the case of an encroachment, with further fine which may extend to ten rupees for every day on which the encroachment continues after the date of first conviction for such offence

(4) Nothing contained in this section shall prevent the Municipal Council from allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than four days, and in such manner, as not to inconvenience the public or any individual

(5) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 142, or in any case where permission has been given under sub-section (4) of this section

[Mys 123]

152 (1) Every person intending to build or take down any building, or to alter or repair the outward part of any building, in such a position or in such circumstances as that the work is likely to cause or may cause obstruction danger or inconvenience in any street, shall before beginning such work

Hoards to be set up during repairs, etc

(*a*) first obtain a license in writing from the Municipal Council so to do, and

(b) cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on from the street, and shall maintain such hoard or fence standing and in good condition to the satisfaction of the Municipal Council during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the Municipal Council

(2) Whoever contravenes any of the provisions of this section shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction

[Mys 124]

Fencing and lighting during repairs, etc

153 (1) The Municipal Council shall, during the construction or repair of any of the streets, sewers, drains or other premises vested in them, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings, and shall cause such bars chains or posts to be fixed across or in any of the streets, to prevent the passage of carriages, carts, or other vehicles or of cattle or horses, while such works are carried on, as to them shall seem proper , and the Municipal Council shall cause any sewer or drain or other works in streets, during the construction or repair thereof, to be lighted with a sufficient light and guarded during the night

(2) Whoever takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any such light, without the authority or consent of the Municipal Council, shall be punished with fine which may extend to fifty rupees

Timber not to be deposited or hole made in a street without permission

154 (1) No person shall, without the written permission of the Municipal Council or otherwise than in accordance with such conditions as may therein be prescribed, make a hole in any street, or erect or deposit thereon any timber, stone, brick, earth or other material that has been, or is intended to be, used for building , and such permission shall be terminable at the discretion of the Municipal Council , and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure, to the satisfaction of the Municipal Council, and shall cause the same to be sufficiently lighted during the night

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after, the date of the first conviction

[Mys 126]

Dangerous quarrying

155 If in the opinion of the Municipal Council the working of any quarry, or the removal of stone, earth or other material from the soil in any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof, or creates or is likely to create a nuisance, the Municipal Council may, by written notice, require the owner of the said quarry or place, or the person responsible for such working or removal not to continue or permit the working of such quarry or the removing of such material, or to take such order with such quarry or place as the

Municipal Council shall direct for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom

Provided that if such quarry or place is vested in Government, or if such working thereof or removal therefrom as aforesaid is being carried on by or on behalf of Government, or any person acting with the permission or under the authority of Government or of any officer of Government acting as such, the Municipal Council shall not take such action unless and until the Deputy Commissioner has consented to their so doing

Provided further that the Municipal Council shall immediately cause a proper hoard or fence to be put up for the protection of passengers near such quarry or place, if in any case referred to in this section it appears to them to be necessary in order to prevent imminent danger, and any expense incurred by the Municipal Council in taking action under this section shall be paid by such owner or other person as aforesaid, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII

[Mys 126(A)]

Provision as to dogs

156 (1) The Municipal Council may by public notice require that every dog while in the streets and not being led by some person shall be muzzled in such a way as to allow the dog freely to breathe and to drink, while effectually preventing it from biting

(2) Subject to the provisions of sub-section (3), the Municipal Council may take possession of any dog found wandering unmuzzled in any public place and may either detain such dog until its owner has claimed it, has provided a proper muzzle for it and has paid all the expenses of its detention, or cause it to be destroyed

(3) When a dog which has been detained under the last preceding sub-section is wearing a collar with the owner's name and address thereon, such dog shall not be destroyed until a letter stating the fact that it has been so detained has been sent to the said address, and the dog has remained unclaimed for 3 clear days, provided that any dog, which is found to be rabid may be destroyed at any time

(4) Any unclaimed dog and any dog, the owner of which refuses to pay all the expenses of its detention, may be sold or destroyed, after having been detained for the said period of 3 clear days

(5) All expenses incurred by the Municipal Council under this section may be recovered from the owner of any dog which has been taken possession of or detained in the manner provided by Chapter VIII

[Bom Bor 191]

Clause 157 —This provides for necessary power to effectively deal with the situation when fires break out

Police and Municipal officers to aid Fire brigade.

157 It shall be the duty of all police officers and of all Municipal officers and servants to aid a fire-brigade in the execution of its duties Such officers and servants may close any street in or near which a fire is burning and remove any persons who interfere by their presence with the operations of the fire-brigade

(6) *Powers for the prevention of nuisance*

[Mys 127]

Depositing dust, etc

158 (1) Whoever deposits or causes or suffers any member of his family or household to deposit any dust, dirt, dung, ashes, garden, kitchen or stable refuse or filth of any kind, or any animal matter or any broken glass or earthen-ware or other rubbish or any other thing that is or may be a nuisance, in any street or in any arch under a street or in any drain beside a street or on any open space

or on the bank of any river, water-course or nullah, except at such places, in such manner, and at such hours as shall be fixed by the Municipal Council, and whoever commits or suffers any member of his family to commit nuisance in any such place as aforesaid, shall be punished with fine which may extend to twenty-five rupees

(2) Whoever throws or puts or causes or suffers any member of his family or household to throw or put any of the matter above described, or, except with the permission of the Municipal Council, any night soil into any sewer, drain,culvert, tunnel, gutter or water-course, and whoever commits nuisance, or suffers any member of his family to commit nuisance, in any such drain, culvert, tunnel or water-course, or in such close proximity thereto as to pollute the same, shall be punished with fine which may extend to twenty-five rupees

[Mys 128] 159 Whoever causes or allows the water of any sink or sewer or any other liquid or other matter which is or which is likely to become offensive, from any building or land under his control, to run, drain, or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the Municipal Council, or who fails to comply with any condition prescribed in such permission, shall be punished with fine which may extend to twenty-five rupees **Discharging sewage, etc**

[Mys 129] 160 Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth from and to cleanse and purify such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall be punished with fine which may extend to twenty-five rupees and with further fine which may extend to five rupees for every day on which such offence is continued, after the date of the first conviction **Non removal of filth, etc**

[Mys 130] 161 (1) The Municipal Council may from time to time fix the hours within which only it shall be lawful to remove any night-soil or other such offensive matter **Removal of night soil**

(2) Whoever,

(*a*) when the Municipal Council have fixed such hours, and given public notice thereof by beat of drum, removes, or causes to be removed, along any street any such offensive matter at any time except within the hours so fixed, or

(*b*) at any time, whether such hours have been fixed by the Municipal Council or not,

(*i*) uses for any such purpose any cart, carriage, receptacle or vessel not having a covering proper for preventing the escape of the contents thereof and of the stench therefrom, or

(*ii*) wilfully or negligently slops or spills any such offensive matter in the removal thereof, or

(*iii*) does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or

(*iv*) places or sets down in any public place any vessel containing such offensive matter, or

(*v*) drives or takes or causes to be driven or taken any cart, carriage receptacle or vessel used for any such purpose as aforesaid, through any street or by any route, other than such as shall from time to time be appointed for that purpose by the Municipal Council by public notice,

shall be punished with fine which may extend to twenty-five rupees

[Mys 131]

Filthy buildings, etc

162 (1) Whoever, being the owner or occupier of any building or land, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or in the opinion of the Municipal Council a nuisance to persons residing in the neighbourhood, or overgrown with prickly-pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing by the Municipal Council to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which the failure to comply with the said notice is continued, after the date of the first conviction

(2) Should the state of the building be such as in the judgment of the Municipal Council to render it unfit for human habitation, they may further by written notice prohibit the using thereof for that purpose until it is so rendered fit

Deserted and offensive buildings

(3) If any building, by reason of dilapidation, neglect, abandonment, disuse or disputed ownership, or of its remaining untenanted and thereby

(*a*) becoming a resort of idle and disorderly persons or of persons who have no ostensible means of subsistence, or who cannot give a satisfactory account of themselves, or

(*b*) coming into use for any insanitary or immoral purpose, or

(*c*) affording a shelter to snakes, rats or other, dangerous or offensive animals,

is open to the objection that it is a nuisance, or so unwholesome or unsightly as to be a source of discomfort, inconvenience or annoyance to the neighbourhood or to persons passing by such building, the Municipal Council, if they consider such objection cannot under any other provision of this Regulation, be otherwise removed, may, if there is any person known or resident within the municipality who claims to be the owner of such building, by written notice directed to such person, require such person, or in any other case by written notice fixed on the door or any other conspicuous part of the building require all persons claiming to be interested in such building, within a period which shall be specified in the notice and shall not be less than seven days from the date of such notice, to cause such building to be taken down and the materials thereof to be removed , and in the event of non-compliance with such requirement, the Municipal Council, on the expiration of the period specified as aforesaid, may forthwith cause the building to be taken down and the materials

to be removed, and may sell such materials and apply the proceeds to defray any expenses incurred by them in so doing, and all such expenses not thereby defrayed shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII

[Bom Bor 163]
Clause 163 —A new clause added to give to the Municipal Councils more adequate powers for dealing with houses unfit for human habitation

Buildings or rooms in buildings unfit for human habitation

163 If, for any reason, it shall appear to the Municipal Council that any building or any room in a building intended for or used as a dwelling is unfit for human habitation, the Municipal Council shall give to the owner or occupier of such building notice in writing, stating such reason, and signifying their intention to prohibit the further use of the building or room, as the case may be, as a dwelling, unless such improvements as are specified in the notice are executed within a reasonable time and shall in such notice call upon the owner or occupier aforesaid to state in writing any objection thereto within thrity days after the receipt of such notice, and if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within such period appears to the Municipal Council invalid or insufficient, the Municipal Council may by an order in writing prohibit the further use of such building or room as a dwelling and may withdraw such prohibition for proper reasons

[Mys 132]

Power to enter and inspect etc, buildings

164 It shall be lawful for the President, Vice-President, or any Councillor or Officer authorised by the Municipal Council in this behalf, at any time between sunrise and sunset, on giving such notice as hereinafter provided, to enter into and inspect all buildings and lands, and by written notice to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleansed for sanitary reasons

[Mys 133]

Bathing places

165 (1) The Municipal Council may set apart sufficient public places for the purpose of being used as bathing places, and may also provide or set apart a sufficient number of convenient tanks or runs of water for the inhabitants to bathe in, and may also set apart tanks or reservoirs or runs of water for washing animals or clothes, and for all puproses connected with the health, cleanliness and comfort of the inhabitants, and may prohibit the use for any purpose mentioned in this section, of any or all other public places within the municipality

(2) Copies of all orders passed and notices issued by the Municipal Council and for the time being in force under this section, shall be kept at the Municipal Office and shall be open for inspection by the public at all reasonable times

[Mys 134]

Fouling water

166 (*a*) Whoever, in disobedience of any order of the Municipal Council under section 165, or of any by-law, bathes in any stream, pool, tank, reservoir, well, cistern, conduit and aqueduct belonging to the Municipal Council, or washes, or causes to be washed therein any animal or anything, whatever, or throws, puts or casts or causes to enter therein any animal or anything, or causes or suffers to run, drain or be brought thereinto anything that is, or may become, a nuisance, or does anything whatsoever whereby any water therein shall be in any degree fouled or corrupted, and

(*b*) whoever, without permission of the Municipal Council, steeps in any tank, stream, or ditch within, or on the boundary of the municipality, any animal, vegetable or mineral matter likely to render the water of such tank, stream or ditch offensive or a nuisance, shall be punished with fine which may extend to fifty rupees

Abatement nuisances from wells etc

167 (1) If in the opinion of the Municipal Council—

(*a*) any pool, ditch, quarry, hole, excavation, tank, well, pond, drain, water-course, or any collection of water, or

(*b*) any cistern or other receptacle for water whether within or outside a building, or

(*c*) any land on which water accumulates and which is situate within a distance of one hundred yards from any building used as a dwelling house, is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the Municipal Council may, by notice in writing, require the owner thereof to fill up, cover over or drain off the same in such manner and with such materials as the Municipal Council shall prescribe, or to take such order with the same for removing or abating the nuisance as the Municipal Council shall prescribe

[Bom Bor 167]
Clause 167—This gives power for dealing with collections of water which are likely to be breeding places of mosquitoes and for regulating the construction of new *tanks* or *ponds*

(2) (*a*) No new tank or pond shall be dug or constructed without the previous permission in writing of the Municipal Council

(*b*) If any such work is begun or completed without such permission, the Municipal Council may either—

(*i*) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Municipal Council shall prescribe, or

(*ii*) grant written permission to retain such work but such permission shall not exempt such owner from proceedings for contravening the provisions of clause (*a*) of this sub-section

Regulation or Prohibition of certain kinds of cultivation

168 The Municipal Council on the report of the Director of Health, the Health Officer, or the Local Medical Officer that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any place within the limits of the Municipality is injurious to the public health may, with the previous sanction of the Government, by public notice regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious

[Mad 225]
Clause 168—This gives larger powers to the Municipal Council to prohibit cultivation of certain crops in the interests of sanitation

Provided that when such cultivation or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the Municipal Fund to all persons interested for any damage caused to them by absolute prohibition

Using offensive manure, etc

[Mys 136]

169 Whoever, except with the written permission of the Municipal Council, and in the way, if any, enjoined in such permission, stores or uses night-soil or other manure or substance emitting an offensive smell, shall be punished with fine which may extend to twenty-five rupees

Tethering cattle, etc.

[Mys 137]

170 (1) Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper, shall be punished with fine which may extend to twenty-five rupees

Keeping swine

(2) Whoever keeps any swine so as to be a nuisance shall be punished with fine which may extend to ten rupees

Feeding animals on filth

(3) Whoever feeds any animal which is kept for dairy purposes or is intended for human food on excrementitious matter, stable refuse, filth, or other offensive matter, or permits such animal to feed or to be fed on such matter, shall be punished with fine which may extend to fifty rupees

[Bom Bor 170]
Section 137A is omitted as it relates to city Municipalities

[Mys 138]

171 (1) It shall be lawful for the Municipal Council to direct by public notice that every furnace employed, or to be employed, in any works or buildings used for the purpose of any trade or manufacture whatsoever within the limits of the municipality, whether a steam-engine be or be not used or employed therein, shall in all cases, be constructed, supplemented or altered so as to conusme or burn, or reduce as far as may be practicable, the smoke arising from such furnace

Consumption of smoke

(2) If any person shall after such direction use, or permit to be used, any such furnace not so constructed, supplemented, or altered, or shall so negligently use, or permit to be used, any such furnace as that the smoke arising therefrom shall not be effectually consumed or burnt as far as may be practicable, every person so offending being the owner or occupier of the said works or buildings or, being an agent or other person employed by such owner or occupier for managing the same, shall be punished with fine which may extend to fifty rupees, and upon any subsequent conviction to five hundred rupees

Provided that nothing in this section shall be held to apply to locomotive engines used for the purpose of traffic upon any railway or for the repair of roads

[Mys 138 A]

172 (1) It shall be lawful for the Municipal Council to publish by a notification in the Official Gazette that no place within Municipal limits shall be used for burning bricks for other than trade purposes without a license from the Municipal Council and except in accordance with the conditions specified therein ,

Licenses to be taken for burning brickes for other than trade purposes

Provided that no such notification shall take effect until 60 days from the date of publication

(2) Any person who, after the publication of such notification, wishes to use such place for such purpose shall apply to the Municipal Council for a license therefor

(3) The Municipal Council may by an order and under such restrictions as they think fit, grant or refuse to grant such license

(4) Every such license shall expire on such date as may be specified therein

(7) *Regulation of markets, sale of food, etc*

[Mys 139 and Bom Bor 172]

Clause 173 —The existing Section 139 has been recast so as to accord with the provision in clause (*b*) of sub-section (1) of the existing section 48 and so as to require the taking of licenses for the purposes for which by laws may be framed by the Municipal Council

Note —Reference to City Municipal Councils in the proviso is omitted

173 (1) It shall be lawful for the Municipal Council to direct that no place not belonging to or vested in the Municipal Council shall be used for any of the purposes specified in sub-clauses (i), (ii) and (iv) to (vi) of clause (*b*) of sub-section (1) of section 52 except under and in accordance with the conditions of a license from the Municipal Council who may at their discretion from time to time grant, suspend, withhold or withdraw such licenses either generally or in individual cases

Licensing markets, slaughter houses and certain businesses

Provided that no such direction in respect of the said clauses (iv) to (vi) shall be made by a Municipal Council except with the previous approval of the Government

(2) Whoever uses or permits the use of any place contrary to such direction, or without the license required as aforesaid, or in contravention of any of the conditions or during the suspension or after the withdrawal of such license, shall be punished with fine which may extend to twenty-five rupees

(3) Upon a conviction being obtained in respect of any place under sub-section (2) of this section, the Magistrate shall, on the application of the Municipal Council but not otherwise, order such place to be closed, and thereupon appoint persons or take other steps to prevent such place being so used, and every person who so uses or permits the use of a place after it has been so ordered to be closed, shall be punished with a fine which may extend to five rupees for each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed

[Bom Bor 174]

Opening, closing, and letting of markets and slaughter houses

174 (1) The Municipal Council may from time to time open or close any public market or slaughterhouse They may also either take stallage or other rents or fees for the use by any person of any such market or slaughterhouse or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughterhouse

Clause 174 (3) —There is no provision for leasing the collection of rents of slaughterhouses, etc, and section 85 (4) authorises a lease in respect of only fees levied The clause regularises a practice which is very common and convenient

(2) Any person who, without the permission or license of the Municipal Council, shall sell or expose for sale any article in the said markets, or use the said slaughterhouses, shall be punished with fine which may extend to twenty-five rupees

(3) It shall be lawful for the Municipal Council to lease by public auction or private contract the collecting of any rent or fees which may be imposed under sub-section (1)

[Mys 141]

Slaughter houses etc, beyond municipal limits

175 It shall be lawful for the Municipal Council, with the sanction of the Deputy Commissioner, to establish slaughterhouses, or places for the disposal of carcasses of animals, beyond the limits of the municipality, and all provisions of this Regulation and of bye-laws in force thereunder relating to such places within municipal limits shall have full force therein, as if such places were within the municipal limits

[Mys 142]

Search for and inspection of unwholesome articles

176 (1) The President, Vice-President or any Councillor or Officer authorised by the Municipal Council in this behalf—

(*a*) may at all reasonable times enter into any place for the purpose of inspecting, and may inspect, any animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter or other articles intended for human food or drink or for medicine, whether exposed or hawked about for sale, or deposited in, or brought to, any place for the purpose of sale, or of preparation for sale, or may enter into and inspect any place used as a slaughterhouse, and may examine anything which may be therein, and

(*b*) in case any such animals, carcasses, or other articles before mentioned appear to be diseased or unsound or unwholesome or unfit for human food or drink or medicine, may seize the same

Any article which is of a perishable nature may, under the orders of the President, Vice-President or Chairman of the managing committee or of a committee appointed under section 30, to exercise all or any of the powers vested in the Municipal Council under this sub-chapter, if in his opinion it is diseased, unsound, unwholesome or unfit for food drink and medicine, forthwith be destroyed

Note —Reference to Municipal Commissioner is omitted in 2nd paragraph of sub-clause (1)

Every animal and every article which is not of a perishable nature, if seized as aforesaid, shall be taken before a Magistrate

If it appear to the Magistrate upon sufficient evidence that any such article is diseased or unsound or unwholesome or unfit for human food, drink or medicine, the owner or person in whose possession it was found, not being merely bailee or carrier thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees, and the Magistrate shall cause such article to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink or medicine

Adulterated articles for food or drink

(2) In every municipality to which the Government may by notification have declared this sub-section to apply, whether as regards food or drink of all kinds or of any specified kind,

if any article to which this sub-section is applicable as aforesaid, is intended for food or drink, and is in any place mentioned in sub-section (1), the President, Vice-President, or officer authorised as aforesaid, in case such article appears not to be what it is represented to be, may seize the same, and if it appears to a Magistrate upon sufficient evidence that such article is not what it is represented to be, such Magistrate may order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink, and the owner thereof or the person in whose possession the same was found, not being merely carrier or bailee thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees

EXPLANATION —If such article having been exposed or stored in or brought to any place mentioned in sub-section (1) for sale as ghee, contains any substance not exclusively derived from milk, it shall be deemed to be for the purposes of this sub-section, an article which is not what it is represented to be

Protection to persons acting in good faith

Provided that when any article of food or drink referred to in this sub-section appears to the Magistrate not to be what it is represented to be, solely by reason of the fact that there has been added to it some substance not injurious to health, no offense shall be deemed to have been committed by the owner of the article or the person in whose possession the same is found, if such owner or person proves to the satisfaction of the Magistrate—

(*a*) that such substance has been added to the article of food or drink, because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or of drink or conceal the inferior quality thereof or

(*b*) that in the process of production, preparation or conveyance of such article of food or drink, the extraneous substance has unavoidably become intermixed therewith, or

(*c*) that, by a label distinctly and legibly written or printed on or with the said article of food or drink or by other means of public description, he has given sufficient notice that such substance has been so added, or

(*d*) that—

(i) the said article was purchased by him with a written warranty that it was of a certain nature, substance and quality,

(ii) he had no reason to believe that it was not of such nature, substance and quality as aforesaid, and

(3) Upon a conviction being obtained in respect of any place under sub-section (2) of this section, the Magistrate shall, on the application of the Municipal Council but not otherwise, order such place to be closed, and thereupon appoint persons or take other steps to prevent such place being so used, and every person who so uses or permits the use of a place after it has been so ordered to be closed, shall be punished with a fine which may extend to five rupees for each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed

174] 174 (1) The Municipal Council may from time to time open or close any public market or slaughterhouse They may also either take stallage or other rents or fees for the use by any person of any such market or slaughterhouse or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughterhouse

Opening, closing and letting of markets and slaughter houses

Clause 174 (3) —There is no provision for leasing the collection of rents of slaughterhouses, etc, and section 85 (4) authorises a lease in respect of only fees levied The clause regularises a practice which is very common and convenient

(2) Any person who, without the permission or license of the Municipal Council, shall sell or expose for sale any article in the said markets, or use the said slaughterhouses, shall be punished with fine which may extend to twenty-five rupees

(3) It shall be lawful for the Municipal Council to lease by public auction or private contract the collecting of any rent or fees which may be imposed under sub section (1)

[Mys 141] 175 It shall be lawful for the Municipal Council, with the sanction of the Deputy Commissioner, to establish slaughterhouses, or places for the disposal of carcasses of animals, beyond the limits of the municipality, and all provisions of this Regulation and of bye-laws in force thereunder relating to such places within municipal limits shall have full force therein, as if such places were within the municipal limits

Slaughter houses etc beyond municipal limits

[Mys 142] 176 (1) The President, Vice-President or any Councillor or Officer authorised by the Municipal Council in this behalf—

Search for and inspection of unwholesome articles

(*a*) may at all reasonable times enter into any place for the purpose of inspecting, and may inspect, any animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter or other articles intended for human food or drink or for medicine, whether exposed or hawked about for sale, or deposited in, or brought to, any place for the purpose of sale, or of preparation for sale, or may enter into and inspect any place used as a slaughterhouse, and may examine anything which may be therein, and

(*b*) in case any such animals, carcasses, or other articles before mentioned appear to be diseased or unsound or unwholesome or unfit for human food or drink or medicine, may seize the same

Any article which is of a perishable nature may, under the orders of the President, Vice-President or Chairman of the managing committee or of a committee appointed under section 30, to exercise all or any of the powers vested in the Municipal Council under this sub-chapter, if in his opinion it is diseased, unsound, unwholesome or unfit for food, drink and medicine, forthwith be destroyed

Note —Reference to Municipal Commissioner is omitted in 2nd paragraph of sub-clause (1)

Every animal and every article which is not of a perishable nature, if seized as aforesaid, shall be taken before a Magistrate

If it appear to the Magistrate upon sufficient evidence that any such article is diseased or unsound or unwholesome or unfit for human food, drink or medicine, the owner or person in whose possession it was found, not being merely bailee or carrier thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees, and the Magistrate shall cause such article to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink or medicine

Adulterated articles for food or drink

(2) In every municipality to which the Government may by notification have declared this sub-section to apply, whether as regards food or drink of all kinds or of any specified kind,

if any article to which this sub-section is applicable as aforesaid, is intended for food or drink, and is in any place mentioned in sub-section (1), the President, Vice-President, or officer authorised as aforesaid, in case such article appears not to be what it is represented to be, may seize the same, and if it appears to a Magistrate upon sufficient evidence that such article is not what it is represented to be, such Magistrate may order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink, and the owner thereof or the person in whose possession the same was found, not being merely carrier or bailee thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees

EXPLANATION —If such article having been exposed or stored in or brought to any place mentioned in sub-section (1) for sale as ghee, contains any substance not exclusively derived from milk, it shall be deemed to be for the purposes of this sub-section, an article which is not what it is represented to be

Protection to persons acting in good faith

Provided that when any article of food or drink referred to in this sub-section appears to the Magistrate not to be what it is represented to be, solely by reason of the fact that there has been added to it some substance not injurious to health, no offense shall be deemed to have been committed by the owner of the article or the person in whose possession the same is found, if such owner or person proves to the satisfaction of the Magistrate—

(*a*) that such substance has been added to the article of food or drink, because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or of drink or conceal the inferior quality thereof or

(*b*) that in the process of production, preparation or conveyance of such article of food or drink, the extraneous substance has unavoidably become intermixed therewith, or

(*c*) that, by a label distinctly and legibly written or printed on or with the said article of food or drink or by other means of public description, he has given sufficient notice that such substance has been so added, or

(*d*) that—

(i) the said article was purchased by him with a written warranty that it was of a certain nature, substance and quality,

(ii) he had no reason to believe that it was not of such nature, substance and quality as aforesaid, and

(iii) it was not exposed, hawked about, or brought for sale by him otherwise than as an article of the nature, substance and quality specified in the written warranty, and was in the same state in which he purchased it

(3) It will be open to a Municipal Council, subject to the approval of Government, to set apart any stall or specified locality for the sale of ghee and in such stall or specified locality, no ghee shall be sold or exposed for sale that is adulterated with any other substance

Whoever sells or exposes for sale adulterated ghee in any stall or locality so set apart shall, on conviction before a Magistrate be punished with fine which may extend to Rs 100 and the Magistrate may cause such ghee to be destroyed or to be so disposed of as to prevent its being exposed for sale in such stall or locality

(4) In all prosecutions under this section the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence against its provisions unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused

Application for summons to be refused if not applied for within reasonable time

[Mys 143 and C P 162]
Clause 177 —It is desirable that the power of inspection should also extend to instruments for weighing and not merely to weights and measures and that the Chief Officer and Health Officer should have power to inspect

177 The president, vice-president, Chief Officer and Health Officer or any councillor or officer authorised by the Municipal Council in this behalf, may at all reasonable times enter into any place used for the sale of articles used for human food or drink or for medicine, and inspect the instruments for weighing and the weights and measures in use, and if the person in charge be found in possession of any false or defective weights or measures, or of weights or measures or of any instruments for weighing by the use of which the public may be defrauded, he shall be punished with fine which may extend to two hundred and fifty-rupees

False weights and measures and instruments for weighing

(8) *Prevention of dangerous diseases*

[Mys 144]

178 (1) The Government may at any time confer by notification on any Municipal Council designated therein, all or any of the powers specified in sub-section (2), and such Municipal Council shall, subject to all such limitations, restrictions and conditions, if any, as the Government in the same or in any subsequent notification may prescribe in such behalf, exercise within the municipality every power so conferred on them, for such period as may be specified in this behalf in any such notification, or if no period is so specified, then until such power is withdrawn

Powers which may at any time be conferred

(2) The powers, all or any of which may be conferred under the preceding sub-section are —

(*a*) power by orders, which may be either of special or general application, to direct that every medical practitioner who knows or may have reason to believe that any person whom he has visited in his professional capacity in any dwelling not being a hospital, or that every manager of any factory or educational institution, or every head of a household, who knows or has reason to believe that any person who resides in any dwelling under the management or control of any such manager or head of a household, is suffering from any illness which may reasonably be supposed to be a dangerous disease, shall give information of the same with the least practicable delay to such person as may be designated by the Municipal Council in that behalf,

(*b*) power to direct or authorise the inspection, without notice, or with such notice as to the person directed or authorised to inspect appears reasonable, of any place in which any dangerous disease is reported or suspected to exist and the taking of measures to prevent the spread of the disease beyoud such place,

(*c*) power to prohibit the removal of water for the purpose of drinking from any well, tank or other place, which may appear to the Municipal Council, on the advice of the medical officer, likely to engender or cause the spread of any dangerous disease,

[Bom Bor 179 (2) (*d*)] (*d*) power to direct or cause the removal, on a certificate signed by the Health Officer of the Municipal Council or any duly qualified medical practitioner authorised by the Municipal Council in this behalf, of any person who is without proper lodging or accommodation, or who is lodged in a room or set of apartments occupied by more than one family, or in a place where his presence may be a danger to the neighbourhood, and who is suffering from a dangerous disease, to any hospital or place at which persons suffering from the said disease are received for medical treatment, and to prohibit the person so removed from leaving such hospital or place without the permission of the Municipal Council,

(*e*) power to require by written notice the owner or occupier of any building, or part of a building, or a person owning or in charge of any article therein, to cleanse or disinfect such building or part thereof or article, either at his own expense, or in case of poverty, or for other cause which the Municipal Council in the circumstances of the case consider reasonable, at the expense of the Municipal Council,

(*f*) power to provide the means, and to prescribe places, for disinfecting or washing, bedding or other articles which have been exposed to infection from any dangerous disease, and to direct the destruction thereof,

(*g*) power—

(i) to provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease, and

(ii) when such provision is made, to prohibit the conveyance of such persons in all or any public conveyances, and

(iii) to direct that any conveyances that may at any time be used for conveying any such person shall be immediately disinfected,

(*h*) power to prohibit—

(i) any person suffering from any dangerous disease from wilfully exposing himself, without proper precautions against spreading the said disease, in any street or in any school or factory, or in any inn, dharmasala, theatre, market or other place of public resort or

(ii) any person in charge of any person so suffering from so exposing such sufferer,

(*i*) power to prohibit any person from removing to another place, or transferring to another person, except for the purpose of disinfection, any article which the person prohibited knows, or has reason to believe, has been exposed to infection of any kind whatsoever from any dangerous disease;

(*j*) power to prohibit the letting of or the providing of accommodation in any hotel, inn, dharmasala, chattram or musafirkhana in which a person has, or in which there is reason to believe that a person has, been suffering from a dangerous disease, unless and until the person desiring so to let or provide accommodation shall have had the building, or part thereof, and any article therein likely to retain infection, disinfected to the satisfaction of the Municipal Council or of su officer as the Municipal Council appoint in this behalf,

(*k*) power, with the previous permission in each case of a Magistrate exercising not less than second class powers, to destroy any insanitary huts or sheds in which there is reason to believe that persons have been suffering from dangerous disease

(3) The Municipal Council may, in their discretion give compensation to any person who sustains substantial loss by the destruction of any property under this section, but except as allowed by the Municipal Council, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein

Penalties for disobedience to an order passed in exercise of such powers

(4) Any person who in a municipality disobeys any order which is for the time being in force therein, and which has been passed by the Municipal Council in exercise of any power conferred on such Municipal Council under this section, or obstructs any officer of the Municipal Council or other person acting under the authority of the Municipal Council in carrying out executively any such order, shall be punished with fine which may extend to two hundred rupees

[Mys 145]

Duties of Municipal Council on threatened or actual out break of dangerous disease

179 (1) In the event of the municipality or any part thereof being at any time threatened or visited with an outbreak of any dangerous disease, the Municipal Council shall take all such measures as they deem necessary for the purpose of preventing, meeting, mitigating or suppressing such outbreak

(2) In such event as aforesaid the Government may, by special notification, declaring that such municipality is threatened or visited with an outbreak of a dang rous disease, confer on the Municipal Council all or any of the additional powers specified in the following sub-section, and such Municipal Council shall, subject to such limitations, restrictions and conditions, if any, as the Government in the same or in any subsequent notification may prescribe, exercise every such power so conferred on them until the same is withdrawn by means of a like notification

(3) The powers, all or any of which may be conferred under the preceding sub-section, are—

(*a*) power to order, subject to the conditions,

(i) that the permission of a Magistrate exercising not less than second class powers shall be in each case first obtained, and

(ii) that accommodation for all persons to whom the order refers is available, or shall be provided, elsewhere,

the evacuation of an infected building used as a dwelling, or of any part thereof, or of any building so used adjacent to such building, by the person or persons residing, whether habitually or temporarily, therein;

(*b*) power to direct the examination by a medical officer of persons and, if necessary, the disinfection of the clothing, bedding or other suspicious articles belonging to persons, either arriving from places outside the municipality,

or residing in any infected building or building adjacent to any infected building, and to direct that any such person shall give his address and present himself daily for medical examination at such time and places as may be prescribed, for a period not exceeding ten days,

(c) power to prohibit either generally, or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty, in any place whether public or private, or in any circumstances, or for any purpose, if in the opinion, recorded in writing, of the Civil Surgeon, or other senior medical officer of the district or other medical officer appointed by the Government in this behalf, such assemblages in such place, in such circumstances or for such purpose, whould be likely to become a means of spreading the disease or of rendering it more virulent

(4) The Municipal Council may, in their discretion, give compensation to any person who sustains substantial loss by the destruction of any property under this section, but except as allowed by the Municipal Council no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein

Penal clauses

(5) If, in any municipality in which such declaration under sub-section (2) as aforesaid is for the time being in force, any person—

(a) knowingly disobeys any order which for the time being is in force in such municipality and which has been passed by the Municipal Council in exercise of any power conferred on them under section 178 or under this section, or

(b) obstructs any officer of the Municipal Council or other person acting under the authority of the Municipal Council in carrying out executively any such order,

such person shall be punished with fine which may extend to one thousand rupees

[Mys 146]

Withdrawal and modification of powers and orders

180 (1) The Government may at any time

(a) withdraw any power conferred under section 178 or under section 179,

(b) cancel or modify any limitation, restriction or condition prescribed in respect of any such power, or

(c) cancel any order passed by a Municipal Council in exercise of any such power

(2) Every order passed by a Municipal Council in exercise of any such power as aforesaid shall, on the withdrawal of such power, cease to be in force in the municipality

[Mys 147]

Duties of Municipal Council in respect of diseases among horses dogs cattle, sheep or goats

181 If in any municipality any infectious disease amongst horses, dogs, cattle, sheep or goats breaks out, or if the introduction of any such disease appears to be likely, the Municipal Council shall take all such measures as they deem necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the outbreak or introduction thereof

[Mys 148]

Proceedings to abate the overcrowding of the interiors of buildings

182 (1) Whenever the Municipal Council consider the interior of a building is so overcrowded as to be or to be likely to become dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the Municipal Council may cause proceedings to be taken before a Magistrate of the first class for the purpose of obtaining an order to prevent such overcrowding

(2) Such Magistrate may, on the production of a certificate by a medical officer stating his opinion that the overcrowding complained of is likely to cause disease or risk of disease, and after such further enquiry, if any, as may appear to such Magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper

Procedure of Magistrate

(3) If the said building shall have been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purpose of this sub-section, be deemed to be the owner of the building

(4) It shall be incumbent on any owner to whom a requisition is issued under sub-section (2), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fulfil the conditions prescribed thereby, written notice to vacate the said building within the period specified in such requisition and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith

(5) Any owner who after the date specified in any requisition issued under sub-section (2) permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (4), shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues

[Mys 149]

183 (1) If the Government is of opinion that risk of disease has arisen or is likely to arise, either to any occupier in, or to any inhabitants in the neighbourhood of, any area by reason of any of the following defects, namely—

Special powers which may be conferred by Government in respect of overcrowded areas notified by Government

(*a*) the manner in which either buildings, or blocks of buildings, already existing or projected therein, are, or are likely to become, crowded together, or

(*b*) the impracticability of cleansing any such buildings, or bolcks of buildings, already existing or projected, or

(*c*) the want of drainage or scavenging, or the difficulty of arranging therein, for the drainage or scavenging of any such buildings or blocks or area as aforesaid, or

(*d*) the narrowness, closeness, bad arrangement or bad condition of the streets or buildings or groups of buildings,

the Government may by notification confer on the Municipal Council, to which such area is subject, all or any of the powers specified in sub-section (2) and may, if it deem necessary, at any time make rules prescribing any limitations, restrictions, modifications, conditions or regulations, subject to which the Municipal Council shall exercise within that area all powers so conferred, unless and until those powers, are withdrawn by a subsequent notification of Government

(2) The powers all or any of which may be conferred on a Municipal Council under sub-section (1), are as follows —

(*a*) power, when any building or block, already existing or in course of erection, by reason of any defect specified in sub-section (1), has given or is in the opinion of the Municipal Council likely to give rise to such risk as aforesaid, to require by a written notice, to be fixed upon some conspicuous part of such building or block and addressed as the Municipal Council deem fit either to the owners thereof or to the owners of the land on which such building or block is erected or is in course of erection, that the persons so addressed shall within a reasonable time as shall be specified in the notice, either pull down or remove the said building or block or execute such works or take such action in connection therewith as the Municipal Council deem necessary to prevent all such risk of disease

(*b*) power by Municipal or other agency, to pull down or remove the said building or block, or to execute such works or take such action, if the persons addressed in the said notice neglect so to do within the time specified therein ,

(*c*) power, subject to a right of appeal to the Deputy Commissioner, whose decision shall be conclusive, to prohibit by written notice addressed to the owner and occupier of any such site or space, and by general notice published in the manner provided in sub-section (3) of section 190, the erection of any building or of any building exceeding such dimensions as may be specified

(i) on the site of any building which has, in whole or in part, in exercise of the power specified in cluse (*a*), been pulled down, or

(ii) on any space not occupied by buildings whether such space is private property or not, and whether it is enclosed or not,

if the Municipal Council consider that, in order to prevent such risk as aforesaid such site or space should not be built upon, and either,

(*a*) to acquire such site or space, or

(*b*) to prescribe such conditions as may be deemed necessary as to the use which the owner or occupier may make or permit to be made thereof

Provided that in every case compensation, the amount of which shall, in case of dispute, be ascertained and determined in the manner provided in section 196, shall be paid to any person whose rights are affected by such prohibition

(3) When in pursuance of any notice under sub-section (2), any building has been pulled down, the Municipal Council shall, unless it has been erected contrary to any provision of this Regulation or of any by-law in force thereunder, pay to such owner or occupier as may

have sustained damage thereby reasonable compensation, the amount of which shall, in case of dispute, be ascertained or determined in the manner provided in section 196

(4) In making any rules under sub-section (1) the Government may prescribe a fine not exceeding five hundred rupees for every breach, and a further fine not exceeding twenty rupees a day for every continuing breach, of any order made or conditions imposed by the Municipal Council in exercise of the powers conferred upon them under this section or in pursuance of such rules

[Mys 150]

Closing places for disposal of the dead

184 (1) If the Municipal Council be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health, they may submit their opinion with the reasons therefor to Government, and the Government thereupon, after such further enquiry, if any, as it shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification

(2) A copy of the said notification together with a translation thereof in Kanarese shall be published in the Official Gazette, and shall be posted up at the Municipal Office and in one or more conspicuous spots on or near the place to which the same relates

(3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure of the same, shall be punished with fine which may extend to one hundred rupees

(9) *Nuisances from certain trades and occupations*

[Mys 151 modified]
Clause 185 —Provision has been made for the abatement of nuisances from quarries and cart stands

Regulation of certain trades

185 If it be shown to the satisfaction of the Municipal Council that any building or place used or intended by any person to be used

(*a*) for boiling or storing offal, blood, bones or rags
(*b*) for salting, curing and storing fish ,
(*c*) for storing hides, horns or skins ,
(*d*) for tanning ,
(*e*) for the manufacture of leather or leather goods ,
(*f*) for dyeing ,
(*g*) for melting tallow or sulphur ,
(*h*) for washing or drying wool or hair ,
(*i*) as a brick, pottery or lime kiln
(*j*) for soap-making ,
(*k*) for oil-boiling ,
(*l*) as a manufactory of sago ,
(*m*) as a distillery ,
(*n*) for storing hay, straw, fodder, wood, coal or other combustible material ,
(*o*) *as a quarry* ,
(*p*) *as a cart-stand* ,
(*q*) for storing grain for trade purposes ,
(*r*) as a manufactory or place of business of any other kind, from which offensive or unwholesome smells, fumes or soot or dust arise, or which may involve risk of fire,

is or is likely by reason of such use and of its situation to become a nuisance to the neighbourhood, or is so used or is so situated as to be likely to be dangerous to life health

or proprty, the Municipal Council may by written notice require the owner or occupier—

(i) at once to discontinue the use of, or at once to desist from carrying out, or allowing to be carried out, the intention so to use, such place, or

(ii) to use it in such manner, or after such structural alterations, as the Municipal Council in such notice prescribe, so that it may not become or may be no longer, a nuisance or dangerous

[Mys 151 A modified]
Note—Reference to City Municipalities is omitted

Factories in crowded localities

186 (1) In any municipality to which by a notification in the *Mysore Gazette* this section is made to apply by the Government, no person shall establish in any premises, any factory, workshop or work place in which it is intended that steam, water, electrical or other mechanical power shall be employed, without the previous written permission of the Municipal Council

(2) The Municipal Council may refuse to give such permission if they be of opinion that the establishment of such factory, workshop or work place in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood or in any other manner contravenes the terms of any by-laws framed in this behalf

(3) Whoever establishes in any premises, any factory, workshop or work place as aforesaid without or after the refusal of such permission, or in contravention of the terms of any by-laws framed in this behalf, shall be punished with fine which may extend to two hundred rupees

[Mys 151 B modified]
Note—Reference to City Municipalities is omitted

Use of siren or whistle for summoning or dismissing workmen

187 (1) In any municipality to which by a notification in the *Mysore Gazette* this section is made applicable by the Government, no person shall use or employ in any factory, or any other place, any whistle or trumpet operated by steam, mechanical means or electricity, for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the Municipal Council

(2) The Municipal Council may grant such license subject to such conditions as they may deem fit and may at any time withdraw such license on giving one month's notice to the licensee

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without or in contravention of any of the conditions of or after the withdrawal of such license, shall be punished with fine which may extend to fifty rupees

[Mys 152]

Liability to penalty after notice

188 (1) Whoever, after notice has been given under section 185, uses any place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous to life, health or property shall be punished with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every day on which such use or permission of use is continued after the date of the first conviction

(2) Upon a conviction being obtained under this section the Magistrate shall, on the application of the Municipal Council, but not otherwise, order such place to be closed, and thereupon appoint persons, or take other steps to prevent such place being used for any purpose mentioned in section 185

Circumstances in which and the areas and localities in respect of which licenses for such use may be granted

Penalty for unlicensed places in a Municipality in which bye-laws under section 52 (1) (b) (iii) are in force

(3) Whoever uses without a license, or during the suspension or after the withdrawal of a license, any place for any purpose mentioned in section 185 in any Municipality in which by laws are for the time being in force prescribing the conditions on and subject to which, the refused, suspended and withdrawn, shall be punished with fine which may extend to fifty rupees and with further fine which may extend to ten rupees for every day on which such use is continued after the date of first conviction

[Mys 153]

Brothels

189 In any Municipality to which, on the application of the Municipal Council, the Government may by notification have declared this section to apply, any Magistrate of the first class on receiving information that a house within the limits of such municipality is used as a brothel, may summon the owner or occupier of such house, and on being satisfied that the house is so used may order the owner or occupier to discontinue such use of it and if such owner or occupier shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used

Provided that action under this section shall be taken only—

(a) with the sanction or by the order of the District Magistrate, or

(b) on the complaint of three or more inhabitants of the municipality residing in the vicinity of the house to which the complaint refers

(10) *Service of Notices and Penalties on non-compliance therewith*

[Mys 154]

Service of notices, etc addressed to individuals

190 (1) The service of every notice, and the presentation of every bill under this Regulation, on any person or to any person to whom it is by name addressed, shall, in all cases not otherwise specially provided for therein, be effected by a municipal officer or registered servant or other person authorised by the Municipal Council in this behalf,

(a) by giving or tendering the notice or bill to the person to whom it is addressed, or

(b) if such person is not found, by leaving the notice or bill at his last known place of abode with, or by giving or tendering the notice or bill to, some adult male member or servant of his family, or

(c) if such person does not reside within the municipal limits and his address elsewhere is known to the president or other person directing the issue of the notice or bill, then by forwarding the notice or bill to such person by registered post, under cover bearing the said address, or

(*d*) if none of the means aforesaid be available, then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates

Service of notices, etc., on owners and occupiers of buildings and lands

(2) When any notice or bill under this Regulation is required or permitted by or under this Regulation to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Regulation, shall be effected either—

(*a*) by giving or tendering the notice or bill to the owners or occupiers, or if there be more owners or occupiers than one, to any one of them, or

(*b*) if no such owner or occupier be found, then by giving or tendering the notice or bill to some male adult member or servant of the family of any such owner or occupier as aforesaid, or

(*c*) if none of the means aforesaid be available, then by causing the notice or bill to be fixed on some conspicuous part of the building or land to which the same relates

Public and general notices how to be published

(3) Every notice which this Regulation requires or empowers a Municipal Council to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the municipal office during such period, and in such other public buildings and places, or is published in such local paper or in such other manner, as the Municipal Council in by-laws in this behalf prescribed

Defective form not to invalidate notice or bill

(4) No notice or bill shall be invalid for defect of form

Execution of acts required to be done by any notice

(5) When any notice under this chapter requires any act to be done for which no time is fixed by this Regulation, the notice shall fix a reasonable time for doing the same

(6) In the event of non-compliance with the terms of the notice it shall be lawful for the Municipal Council to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the Municipal Council shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 196

[Mys 155]

Punishment for disobedience to orders and notices not punishable under any other section

191 Whoever disobeys or fails to comply, with any lawful direction given by any written notice issued by a Municipal Council under any power conferred by this chapter, or fails to comply with the conditions subject to which any permission was given to him by the Municipal Council under any power so conferred, shall, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of the first conviction

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Regulation, it shall rest with the Magistrate to determine whether the time so fixed was reasonable time within the meaning of this Regulation

[Mys 156]

192 (1) Whenever, under the provisions of this Regulation, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the Municipal Council, whether any penalty is or is not provided for such default, may cause such work to be executed, and the expenses thereby incurred shall, unless otherwise expressly provided in this Regulation, be paid to them by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII either in one sum or by instalments as to the Municipal Council may seem fit

Mu Council in default of owner or occupier may execute work and recover expense

Provided that

(a) Whenever any drainage scheme or water-works scheme has been commenced by any Municipal Council, it shall be lawful for the Municipal Council, without prejudice to their powers under sub-section (1) or section 128 or any other provision of this Regulation, to make a special agreement with the owner of any building or land as to the manner in which the drainage or water-connection thereof shall be carried out, and the pecuniary or other assistance, if any, which the Municipal Council shall render, and any payment agreed upon by the owner shall be recovered in accordance with the terms of such agreement, or in default, in the manner described in sub-sections (2) and (3)

Agreement for construction of drainage and water connections

Provided also that

(b) when an order has been passed under sub-section (1) of section 113, sub-section (1) of section 114 sub-section (2) or (7) of section 122 or under section 126, 128, 134 or 135, or when permission has been given under section 129, or when an agreement has been made under proviso (a) of this sub-section, the Municipal Council may without prejudice to any other powers under this Regulation, if they think fit, declare any expenses incurred as aforesaid by the Municipal Council to be improvement expenses Improvement expenses shall be a charge upon the premises or land, and shall be levied in such instalments as the Municipal Council decide, including interest at the rate of six per cent per annum, and shall be recoverable in the manner described in sub-sections (2) and (3)

Improvement expenses

(2) If the defaulter be the owner of the building or land, the Municipal Council may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or any time thereafter, occupies the building or land under such owner, and in default of payment thereof by such occupier on demand the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses

Power to levy charges on occupier who may deduct the same from his rent

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Regulation on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which, at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglect or refuse, upon application made to him for that purpose by the Municipal Council, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable, but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall be upon such occupier

Occupiers not to be liable for more than the amount of rent due

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works as aforesaid

[Mys 157]

193 Whenever default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the aproval of the Municipal Council, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner

Occupier, in default of owner may execute works and deduct expenses from his rent

[Mys 158]

194 If the occupier of any building or land prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Regulation, after notice of his intention so to carry them into effect has been given by the owner to such occupier, any Magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Regulation, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order, and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such work, such occupier shall for every day during which he so continues to refuse be punished with fine which may extend to fifty rupees, and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works

Proceedings if any occupier opposes the execution of the Regulation

[Bom Bor 197]
Clause 195—Power of entry is specifically given to the Chief Officer and provision is made for taking assistants also

195 It shall be lawful for the President, Vice-President, Chief Officer or any officer authorised by the Municipal Council for such purpose, to enter, for any purpose of this Regulation, between sunrise and sunset, with such assistants as he may deem necessary, into and upon any building or land

Entry for purposes of the Regulation

Provided that, except when herein otherwise provided no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier

Provided also that, in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers

[Mys 160 and Bom Bor 198]

196 (1) *If an agreement is not arrived at* with respect to any compensation, damages, ~~costs or expenses~~ which are by this Regulation directed to be paid, the amount and if necessary the apportionment of the same shall be ascertained and determined by a Panchayet of five persons of whom two shall be appointed by the Municipal Council, two by the party to receive compensation, and one, who shall be presiding member, shall be selected by the members already appointed as above

In cases compensa etc

(2) If either party, or both parties, fail to appoint members, or if the members fail to select a presiding member within one month from the date of either party receiving written notice from the other of claim to such compensation, damages costs, or expenses, such members as may be necessary to constitute the Panchayet shall be appointed, at the instance of either party, by the District Judge

(3) In the event of the Panchayet not giving a decision within one month from the date of the selection of the presiding member, or of the appointment by the District Court of such members as may be necessary to constitute the Panchayet, the matter shall, on application by either party, be determined by the District Court which shall, in cases in which the compensation is claimed in respect of land, follow as far as may be the procedure provided by the Land Acquisition Regulation, 1894, for proceedings in matters referred for the determination of the Court

Provided that

(*a*) no application to the Deputy Commissioner for a reference shall be necessary, and

(*b*) the Court shall have full power to give and apportion the costs of all proceedings in any manner it thinks fit

Clause 196 (4) and (5) — Provision has been made for revision by the District Court of unsatisfactory awards made by a Panchayet and power is given to the Municipal Council to take possession of the land after payment or depositing in court the compensation amount awarded

[*Vide* paragraph 15, Schedule II, Civil Procedure Code]

(4) In any case where the compensation is claimed in respect of land and the Panchayet has given a decision, either party, if dissatisfied with the decision—

(*a*) on the ground of corruption or misconduct of the Panchayet, or

(*b*) on the ground of either party having been guilty of fraudulent concealment of any matter which he ought to have disclosed, or of wilfully misleading or deceiving the Panchayet or

(*c*) on the ground of the award having been made after the issue of an order by the Court superseding the arbitration and proceeding with the suit or after the expiration of the period allowed by the Court, or being otherwise invalid,

may within a month of the date thereof apply to the District Court, and the matter shall be determined by the District Court in accordance with the provisions of sub-section (3)

(5) In casy case where the compensation is claimed in respect of any land or building, the Municipal Council may, after the award has been made by the Panchayet or the District Court, as the case may be, take possession of the land or building, after paying the amount or the compensation determined by the Panchayet or the District Court to the party to whom such compensation may be payable If such party refuses to accept such compensation, or if there is no person competent to alienate the land

or building, or if there is any dispute as to the title to the compensation or as to the apportionment of it, the Municipal Council shall deposit the amount of the compensation in the District Court

[Bom Bor 199]

Costs or expenses how determined and recovered

197 If a dispute arises with respect to any costs or expenses which are by this Regulation directed to be paid, the amount, and if necessary the apportionment of the same, shall, save where it is otherwise expressly provided in this Regulation, be ascertained and determined by the Municipal Council and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII

CHAPTER X

Prosecutions, Suits and Powers of Police

[Mys 161 modified and Bom Bor 200]

Clause 198 —Power is given to the Municipal Councils to prosecute for violation of *rules* under the Regulation

Municipal Council may prosecute

198 (1) The Municipal Council may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Regulation, or of any *rule or* by-law thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund

Provided that no prosecution for an offence under this Regulation *or rule or by-law framed thereunder* shall be instituted except within six months next after the commission of such offence

Jurisdiction of Magistrate

(2) Any prosecution under this Regulation or under any *rules or* by-laws thereunder may, save as therein otherwise provided, be instituted before any Magistrate, and every fine or penalty imposed under or by virtue of this Regulation or any *rule or* by-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Regulation, may be recovered on application to such Magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable

[Mys 161 A]

Power to compound offences

199 A Municipal Council may—

(*a*) compromise with any person who in the opinion of the Municipal Council has committed an offence punishable under this Regulation or any by-law thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence,

(*b*) withdraw from prosecutions instituted under this Regulation or under any by-law made thereunder,

(*c*) compound any offence against this Regulation or against any by-law made thereunder which may by rules made by the Government be declared compoundable

Provided that Government may make rules to regulate the proceedings of persons empowered to compromise offences under this section

[Mys 161 B]

Limitation for distraint, etc

200 No distraint shall be made and no prosecution shall be commenced in respect of any sum due to the Municipal Council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made or prosecution might first have been commenced, as the case may be, in respect of such sum

[Mys 162]

201 No distress levied by virtue of this Regulation shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any Court of competent jurisdiction

Distress lawful though defective in form

[Mys 163]

202 If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Regulation, any damage to the property of the Municipal Council shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted, and on non-payment of such damage on demand the same shall be levied by distress, and such Magistrate shall issue his warrant accordingly

Damage to municipal property how made good

[Bom Bor 203]

203 In lieu of any process of recovery allowed by or under this Regulation or in case of failure to realise by such process the whole or any part of any amount recoverable under the provisions of Chapter VIII, or of any compensation, expenses, charges or damages payable under this Regulation, it shall be lawful for a Municipal Council to sue in any court of competent jurisdiction the person liable to pay the same

Alternative procedure by suit

[Mys 165]

204 (1) The Municipal Council may compound or compromise in respect of any suit instituted by or against them, or in respect of any claim or demand arising out of any contract entered into by them under this Regulation, for such sum of money or other compensation as they shall deem sufficient

Power of compromise

Provided that, if any sanction in the making of any contract is required by this Regulation the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract

(2) The Municipal Council may make compensation out of the Municipal Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in them, their officers, and servants under this Regulation

(3) The Municipal Fund shall be liable to pay the expenses of any Civil proceeding prosecuted or defended on behalf of the Municipal Council

[Mys 166]

205 For the purpose of the recovery of any amount due on account of rent from any person to a Municipal Council in respect of any land vested in such Municipal Council, the Municipal Council shall be deemed to be superior holders, and every such person an inferior holder of such land within the meaning of sections 97 and 98 of the Mysore Land Revenue Code, 1888, and the Municipal Council, as superior holders, shall be entitled, for the recovery of every such amount, to all the assistance to which under the said sections superior holders are entitled for the recovery of rent or land revenue payable to them by inferior holders

Assistance for the recovery of rent on land

[Mys 167 C P 48 and Dt Bd 106]

Clause 206 —For the notice required to be given before a suit is instituted against a Municipal Council, etc, the period is raised from one to two months Suits for recovery of immovable property are excluded from the operation of the provision requiring the institution of suits within six months of the date of cause of action Acts done or purporting to be done in good faith are made non actionable

Limitation of suits, etc

206 (1) No suit shall be instituted against any Municipal Council, President, Councillor, officer, servant, or any person acting under the direction of such Municipal Council, President, Councillor, officer or servant for anything done or purporting to be done under this Regulation, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been in the case of a Municipal Council delievered or left at their office, and, in case of a President, Councillor, officer or servant, or person as aforesaid, delivered to him or left at his office or usual place of abode, and the plaint shall contain a statement that such notice has been so delievered or left.

(2) Every such suit shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto, be dismissed if it is not instituted within six months after the accrual of the alleged cause of action

(3) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877

(4) No Municipal Council, President, officer or servant thereof or any person acting under the direction of any such Municipal Council, President, officer or servant under this Regulation or the rules or by-laws thereunder shall be liable in respect of anything done or purporting to be done in good faith under this Regulation or any rule or by-law thereunder

[Mys 168]

Power of police officers

207 (1) Any police officer may arrest any person committing in his view any offence against any of the porvisions of this Regulation, or of any by-law thereunder, if the name and address of such person be unknown to him and if he decline to give his name and address, or if the police officer have reason to doubt the accuracy of such name and address if given, and such person may be detained at the station-house until his name and address shall be correctly ascertained

Provided that no person arrested shall be detained without the order of a Magistrate longer than shall be necessary for bringing him before a Magistrate, or than twenty-four hours at the utmost

(2) It shall also be the duty of all police officers to give immediate information to the Municipal Council of the commission of any offence against the provisions of this Regulation, or of any by-law thereunder, and to assist all municipal officers and servants in the exercise of their lawful authority

CHAPTER XI

Municipal Accounts and Administration Reports

[Mys 169]

Presentation of accounts

208 (1) Every Municipal Council shall have prepared and laid before them, at their periodical general meetings, complete accounts of the receipts and expenditure of the Municipal Council, since the 1st day of July last preceding, and at a general meeting which shall if possible be held on such day between the 1st February and the 1st April as may be fixed in this behalf by the rules of the Municipal Council, a complete account of the actual and expected receipts and expenditure for the financial year

ending on the 30th June next following, together with a budget estimate of the income and expenditure of the Municipal Council for the financial year to commence on the 1st July next following

Note—Reference to different kinds of municipalities is omitted in sub-clause (2)

Budget estimates

(2) The Municipal Council shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the 1st July next following The budget as passed by the Municipal Council shall be sent to the Deputy Commissioner, who shall submit the same to Government with his remarks, if any, and it shall be competent to the Government to sanction the budget with such modifications, if any, as it deems fit The budget so sanctioned may be varied or altered from time to time, as circumstances may render desirable, at a special general meeting called for the purpose, and subject to the sanction of Government obtained in cases, if any, specified by it No expenditure shall be incurred unless provided for in a budget so sanctioned or varied or altered

(3) The Municipal Council shall, at the general meeting in July, or after audit of the past year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past year

[Mys 169 A]

Accounts to be kept

209 Accounts of the receipts and expenditure of every Municipal Council shall be kept in accordance with the Municipal Account Manual subject to such modifications as the Government may in each case direct

[Mys 170]
[c f Cal 121]
Clause 210 (1)—Audit by Government Auditor is made compulsory to ensure proper audit of accounts

Audit of accounts

210 (1) The Municipal accounts shall, from time to time and once in every year at the least, be audited by a Government Auditor and also by such other agency, if any, as may be prescribed in the rules of the Municipal Council

(2) The auditor or auditors shall, for the purposes of their office, have access to all the accounts and other records of the Municipal Council

(3) The Municipal Council shall pay from the Municipal Fund such charges for the audit as may be agreed upon, or if the auditor is a Government auditor, then such charges as may be prescribed by the Government

[c f Mad Sch IV—Rule 57 and Cal 121]
Clause 211—The Government Auditor is given power to get the required information for audit purposes

Powers of Government Auditor

211 The Government Auditor may—

(*a*) by written requisition require the production before him of any document which he may consider necessary for the proper conduct of his audit,

(*b*) by written requisition require any person accountable for, or having the custody or control of, any such document to appear in person before him, and

(*c*) require any person so appearing before him to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement

[Mad 303 (2) (i)]

212 The Government may make rules as to the conditions under which the ratepayers may appear before the Government Auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom

[c f Cal 122 and 123 and Mad Sch IV—Rules 58 and 59]

Reports and information to be furnished by Government Auditor

213. (1) The Government Auditor shall—

(*a*) report to the Municipal Council any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the Municipal Council or in the Municipal accounts,

(*b*) report to the Municipal Council any loss or waste of money or other property owned by or vested in the

Municipal Council caused by neglect or misconduct, with the names of persons, directly or indirectly responsible for such loss or waste, and

(c) as soon as may be after the completion of the audit, deliver to the Municipal Council a report upon the audit of the Municipal accounts

(2) The Municipal Council shall forthwith remedy any defects or irregularities that may be pointed out by the auditor

Municipal Council to remedy defects

(3) In case there is a difference of opinion between the Municipal Council and the Government Auditor, the Municipal Council shall report the action which they propose to take to Government who may pass such orders as it deems fit

Municipal Council to report to Government action on defect

214 (1) The Government auditor shall disallow every item contrary to law and report the same to the Deputy Commissioner with particulars as regards on the person making, or authorising the making, of the illegal payment

Disallowance by Government Auditor and order by Deputy Commissioner

(2) The Deputy Commissioner may on receipt of the report pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person

[Mad Sch IV—Rule 60 modified]

(3) The Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

[Mad Sch VI Rule 61 modified]

215 Any person aggrieved by the order of the Deputy Commissioner under the last preceding section may, within one month after he has received or been served with the decision of the Deputy Commissioner, apply to the principal civil court of original jurisdiction to set aside such charge and the court, after taking such evidence as is necessary, may confirm, modify or remit such charge with such orders as to costs as it may think proper in the circumstances, or in lieu of such application any person so aggrieved may appeal to the Government who shall pass such orders as it thinks fit

Appeal from order of Deputy Commissioner

[Mad Sch IV Rule 62]

216 Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the Municipal Council within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision, and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable on an application made by the Municipal Council to the court in the same way as an amount decreed by the court

Recovery of amounts disallowed

[Mys 171]

217 The Municipal Council shall, as soon as the annual accounts have been finally passed by them, transmit to the Government, or any officer duly authorised by it in this behalf, a copy thereof, or an account in such form as the Government may prescribe, and shall furnish such details and vouchers relating to the same as the Government or such officer may from time to time direct

Transmission of accounts to Government

[Mys 172]

218 The quarterly and annual accounts of receipts and expenditure, and the budget when sanctioned, shall be open to public inspection, and shall be published in such manner as the Municipal Council may prescribe in this behalf

Publication of accounts

[Mad 33]
Clause 219 — There is no express provision for the regular submission of the administration report The clause supplies the omission
Note — Reference to different kinds of municipalities is omitted

Annual administration report

219 (1) As soon as may be after the first day of July in every year and not later than such date as may be fixed by the Government, the Municipal Council shall submit to the Deputy Commissioner, a report on the administration during the preceding official year in such form and with such details as the Government may direct

(2) The President, shall prepare the report, the Municipal Council shall consider the report and forward it to the Deputy Commissioner with their resolution thereon

(3) The report shall be published in such manner as the council, subject to the approval of the Government, may direct

CHAPTER XII

CONTROL

[Mys 173 and c f Bom Bor 213]
Clause 220 — As the staff of expert officers of Government has grown since the Municipal Regulation was passed and as control by Deputy Commissioners in the case of City Municipalities is restricted, Government should have discretion to decide to what officers powers of inspection should be delegated

Powers of inspection and supervision

220 (1) The Deputy Commissioner or any officer of the Government authorised by the Government by a general or special order shall have power—

(*a*) to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by any Municipal Council or any institution under their control or management, or any work in progress under them or under their direction,

(*b*) to call for any extract from the proceedings of any Municipal Council or of any committee, or for any book or document in the possession of or under the control of a Municipal Council, and any return, statement, account, or report which he may think fit to require such Municipal Council to furnish,

(*c*) to require a Municipal Council to take into their consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such Municipal Council, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the Municipal Council, and to make a written reply to him within a reasonable time stating their reasons for not desisting from doing, or for not doing, such thing

Note — Reference to City Municipal Councils in sub clause (2) is omitted as unnecessary

(2) All or any of the powers given to the Deputy Commissioner by this section may be delegated by him to the Assistant Commissioner in charge of a taluk in so far as concerns any municipal Council in such taluk

[c f Mys 173 (A)]

Deputy Commissioner's power of inspection of Offices of Town and Minor Municipal Councils

221 (1) The Deputy Commissioner shall have power to inspect the office of any Municipal Council in his district and call for the records of any such municipal council

(2) The Deputy Commissioner shall submit the records for the orders of Government if he is satisfied that the order or proceeding of the Municipal Council or their executive is contrary to law or orders for the time being in force

[New]
Clause 221 (3) — The Deputy Commissioner is authorised to delegate his powers under this section as regards any Municipal Council to the Assistant Commissioner in whose Jurisdiction the municipality is situated

(3) The powers given to the Deputy Commissioner under this section may be delegated by him to the Assistant Commissioner in charge of a taluk in so far as concerns any Municipal Council in such taluk

[c f Cal 19]
Clause 222 — Power is given to the Government to annul or amend proceedings or resolutions not in conformity with law or orders in force

Government's power to annul or amend proceedings or resolutions of Municipal Council

222 The Government may, after consideration of any representation which may be made by the Municipal Council, by written order, annul or amend any proceeding or resolution of the Municipal Council or their executive which the Government considers not to be in conformity with law or orders for the time being in force, and may do all things necessary to secure such conformity

[Mys 174]

223 (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a Municipal Council, or the doing of anything which is about to be done or is being done by or on behalf of a Municipal Council, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, or is unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof

Deputy Commissioner's power of suspending execution of orders etc, of Municipal Councils

[Bom Bor 214]
Clause 223 (2) Proviso—Provision is made for affording opportunity to the Municipal Council to be heard before orders are passed suspending execution of their orders

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government and to the Municipal Council affected thereby a copy of the order, with a statement of the reasons for making it, and it shall be in the discretion of the Government to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as it thinks fit

Deputy Commissioner's order to be reported to Government who may confirm or modify it

Provided that no order of the Deputy Commissioner passed under this section shall be confirmed, revised or modified by the Government without giving the Municipal Council reasonable opportunity of showing cause against the said order

[Mys 175]

224 (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a Municipal Council are empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the Municipal Council

Extraordinary powers of Deputy Commissioner in case of emergency

(2) If the expense and remuneration are not so paid, the Deputy Commissioner may make an order directing any person, who, for the time being, has custody of any moneys on behalf of the Municipal Council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order

(3) The provisions of sub-section (2) of section 223 shall apply, so far as may be, to any order made under this section

[Mys 175A]

225 The Government may from time to time make rules not inconsistent with this Regulation as to the preparation of plans and estimates for works which are to be partly or wholly constructed out of the Municipal Fund and the authority by whom, and the conditions subject to which, such plans and estimates for works may be sanctioned

Government may frame rules as to the preparation, etc, of plans and estimates for works

[c f Dt Bd 39 and Mad 39 (4)]
Clause 226—The clause provides for control of agency for execution of public works and recovery of cost when works are undertaken on behalf of Municipal Councils, for which there is no legal provision

226 (1) Such public works as in the opinion of Government require a degree of professional skill which may not be at the disposal of the Municipal Council shall be carried out by the Department concerned of the Government, unless specially ordered otherwise by the Government

Agency for execution of public works

(2) All other works of the Municipal Council shall be executed by such agency and subject to such supervision as the Municipal Council think fit, subject to the rules prescribed by the Government in this behalf

Provided that any such work shall be executed by the Department concerned of the Government in the manner prescribed in sub section (1) if the Municipal Council communicate a desire to that effect

(3) When any work is executed for a Municipal Council by a Department of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government

(4) If the amount due to the Government under sub-section (3) is not paid within a reasonable time, the Head of the Department concerned may make an order directing the person having the custody of the Municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the Municipal Council admit, be bound to comply with such order

Special provision in regard to works executed by Government

227 (1) Notwithstanding anything contained in this Regulation, it shall be lawful for the Government at any time —

[Mys 176]

(*a*) to construct any work or works of a permanent nature which, in the opinion of Government is or are necessary or desirable for the health, safety or convenience of the inhabitants, whether within any municipality or without it wholly or in part,

(*b*) to retain the management and maintenance of any such work or to entrust the same, in whole or in part to the Municipal Council, or to resume the same from the Municipal Council,

(*c*) to recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the Municipal Fund or from the proceeds of any tax or taxes imposed under this Regulation

(*d*) to prescribe, by notification in the Official Gazette, rules having the force of law, for the proper management and maintenace of any such work and for the regulation of all matters and things connected therewith, and to affix a penalty not exceeding five hundred rupees for the infringement of any such rules

Note —Sub-section (3) of the existing section 176 is omitted as unnecessary

(2) It shall be the duty of any person who for the time being has custody of any moneys on behalf of the Municipal Council, to pay, from such moneys as he may have in his hands or may from time to time receive, all amounts directed by Government to be paid by the Municipal Council under clause (*c*) of the preceding sub-section

Government inquiry into municipal matters

[Mys 176 A]

228 (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal area or any matters with respect to which its sanction, approval or consent is required under this Regulation

(2) The officer holding such inquiry shall, for the purpose thereof, have the powers which are vested in a court under the Code of Civil Procedure in respect of the following matters —

(*a*) discovery and inspection,

(*b*) enforcing the attendance of witnesses and requiring the deposit of their expenses,

(*c*) compelling the production of documents,

(*d*) examining witnesses on oath,

(*e*) granting adjournments,

(*f*) reception of evidence taken on affidavit, and

(*g*) issuing commissions for the examination of witnesses and may summon and examine *suo motu* any person whose evidence appears to him to be material,

and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure Regultaion II of 1904

EXPLANATION —For the purpose of enforcing the attendance of witnesses, the local limits of such officer's jurisdiction shall be the limits of the Mysore State

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are to be paid, and to allow interest on costs at a rate not exceeding 6 per cent per annum, and such costs and interest shall be leviable as an arrear of land revenue

[Mys 177]
Clause 229 —Reference to Chief Officer is omitted as provision for the compulsory appointment of chief officer is made in clause 236

Power of Government ot prevent extravagance in the emp loyment of establish ment

229 (1) If in the opinion of the Government the number of persons who are employed by a Municipal Council as officers or servants or whom a Municipal Council propose to employ, or the remuneration assigned by the Municipal Council to those persons, or to any particular person, is excessive, the Municipal Council shall, on the requirement of the Government, reduce the number of the said persons or the remuneration of the said person or persons

(2) It shall be lawful for the Government—

Government may require any town Muncipal Council to appoint a Chief Officer, a Health Officer or an Engineer

(i) to require, if in its opinion at any time such an appointment is necessary, the appointment of a Health Officer, or of an Engineer or both to be made by any Municipal Council,

(ii) to make in its discretion an order vetoing the appointment, or continuance in any such office, of any person selected therefor or appointed thereto by any such Municipal Council, and the tenure of such office by any such person shall cease and determine on and from the date on which such order is communicated to the Municipal Council,

Note —Reference to Municipal Commissioner and Chapter XIII A in sub section (2) (iii) of section 177 is omitted as unnecessary

(iii) to require that any person appointed to be a Chief Officer shall be invested by any such Municipal Council with all or any of the powers which can under this Regulation or under any rules in force at the time be lawfully delegated to him, in addition to such powers as are conferred on him by Section 239,

(iv) to require that all or any of the powers referred to in section 178 or in section 179 (if the conditions under which that section come into operation exist), shall be delegated by any such Municipal Council, whether there be a Chief Officer or not, to the President, Vice-President or any such Councillor as the Government may deem fit

(3) Any requisition issued to the Municipal Council under clause (i), (iii) or (iv) of sub-section (2) above shall be complied with within such time as the Government may in each case, prescribe in that behalf

[Mys 178]

230 (1) When the Government is informed, on complaint made or otherwise, that a Municipal Council have made default in performing any duty imposed on them by or under this Regulation, or by or under any enactmnet for the time being in force, the Government, if satisfied after due inquiry that the Municipal Council have been guilty of the alleged default, may fix a period for the performance of that duty

Power of Government to provide i performance of duties, in default of Municipal Council

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Municipal Council

(3) If the expense and remuneration are not so paid the Government may make an order directing any person who for the time being has custody of any moneys on behalf of the Municipal Council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order

Mys 179]

231 (1) If in the opinion of the Government, any Municipal Council are not competent to perform, or persistently make default in the performance of, the duties imposed on them by or under this Regulation, or otherwise by law, or exceed or abuse their powers, the Government may, by an order published, with the reasons for making it in the Official Gazette, declare the Municipal Council to be incompetent or in default, or to have exceeded or abused their powers, as the case may be, and supersede them for a period to be specified in the order

Power of Government to supersede Municipal Council in case of incompetency, default or abuse of powers

(2) When the Municipal Council are so superseded, the following consequences shall ensue —

Consequences of exercise of such power

(*a*) all Councillors of the Municipal Council shall, as from the date of the order, vacate their offices as such councillors ,

(*b*) all powers and duties of the Municipal Council shall, during the period of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf ,

(*c*) all property vested in the Municipal Council shall, during the period of supersession, vest in the Government

(3) If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the Municipal Council

Power after enquiry to continue period of supersession

(4) The Municipal Council shall be re-established by the election or appointment of new Councillors under the provisions of this Regulation applicable thereto—

(*a*) if no direction has been made under sub-section (3), then on the expiration of the period specified in the order of supersession under sub-section (1), and

(*b*) if a direction has been made under sub-section (3), then on such date as is fixed under that sub-section for the re-establishment of the Municipal Council

[Mys 179 A modified]

232 (1) If any dispute for the decision of which this Regulation does no otherwise provide exists between a Town Municipal Council and one or more other local authorities

Disputes between a Municipal Council and one or more local authori ties

in regard to any matters arising under the provisions of this or any other Regulation and the dispute is not amicably settled—

(a) the Deputy Commissioner may take cognizance of the dispute and decide it himself if it is between two or more Town or minor Municipal Councils in the same district or between a Town Municipal Council and a Village Panchayet in the same district and his decision shall be final, and

(b) in all other cases, the matter shall be referred to the Government who may take cognizance of the dispute and decide it and the decision of the Government shall be final

Clause 232 (2)—This is added to remove a doubt as to whether the decisions under the section may be revised by civil courts

(2) No suit shall be entertained by a Civil Court in respect of any dispute referred to in sub-section (1)

[Mys 180]

233 In all matters connected with this Regulation, the Government and each Deputy Commissioner shall, respectively, have and exercise the same authority and control over the Deputy Commissioners and their subordinates, as it or he has and exercises over them in the general and revenue administration

Powers of Government and of the Deputy Commissioners over subordinates

[Mys 180A]

234 The Deputy Commissioner shall not exercise the powers conferred on him under sections 220, 223 and 224, in regard to Municipal Councils specially exempted except under the special orders of Government

Restrictions on the power of the Deputy Commissioner

[Mad 42]

Clause 235—This confers on Government officers taking lawful action on behalf of or in default of Municipal Councils, powers to contract and extends to them the same protection which is conferred on the Municipal authorities.

235 When the Deputy Commissioner or any officer of the Government or any person appointed by him or the Government lawfully takes action on behalf or in default of the Municipal Council under this Regulation, he shall have power to make such contracts as are necessary for the purpose, and shall be entitled to the same protection under this Regulation as the Municipal authority whose powers he is exercising, and compensation shall be recoverable from the Municipal fund by any person suffering damage from the exercise of such powers to the same extent as if the action had been taken by such Municiapl authority

Powers of officers acting for, or in default of Municipal Council and liability of Municipal Fund

CHAPTER XIII

Appointment and powers of Chief and other Municipal Officers

Note—Existing section 181 is omitted as it relates to City Municipalities

[New cf Bom Bor 33]

Clause 236—This provides for a whole time officer generally for every Municipality for attending to executive functions

236 (1) There shall be a Chief Officer in every Municipality appointed by the Municipal Council with the previous approval of the Government unless such appointment is for any special reason considered unnecessary by the Government and no such officer shall, save with the previous approval of the Government, be removable from office, reduced or suspended unless by the votes of at least two-thirds of the whole number of councillors, and no such officer shall be punishable with fine

Appointment of Chief Officer

[Mys 182 (3)]

(2) When a Chief Officer shall have been appointed, all other officers and servants employed by the Municipal Council, save such as are excepted by order of the Government from time to time, shall be subordinate to him

[Mys 182 modified cf Bom Bor 34 (5)]

237 (1) Any Municipal Council may, with the sanction of the Government, appoint a Health Officer and an Engineer or any one or more of such officers, whether temporarily or permanently

Appointment of Health Officer and Engineer

(2) No such officer shall, save with the previous sanction of the Government, be removable from office, reduced or suspended, unless by the votes of at least two-thirds of the whole number of Councillors and no such officer shall be punishable with fine

[c f Bom Bor 34 (1)]
Clause 238—The Duties of the Chief Officer are defined specifically and clearly

238 The Chief Officer shall—

Duties of Chief Officer.

(*a*) subject to the general control of the President, perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under, this Regulation ,

(*b*) subject to the orders of the President, or of the Managing Committee or of the Municipal Council, as the case may be, take prompt steps to remove any irregularity pointed out by the auditors ,

(*c*) report to the President, the Managing Committee and the Municipal Council all cases of fraud, embezzlement, theft or loss of Municipal money or property, and

[Bom Bor 34 (3)]

(*d*) supply any return, statement, account or report or a copy of any document in his charge called for by the Municipal Council or the Managing Committee and shall comply with any orders passed by the Municipal Council or the Managing Committee thereon

[Mys 183 modified]
Clause 239 —The section under which the Chief Officer may act independently have been thoroughly revised and his powers have been considerably enhanced Provision has also been made for an appeal to the Municipal Council from the orders of the Chief Officer

Powers of Chief Officer.

239 The Chief Officer shall exercise the powers hereinafter specified, and such other powers as may be delegated to him by the Municipal Council under the provisions of this Regulation—

(*a*) he shall have power, subject to the provisions of this Regulation and of the by-laws for the time being in force thereunder, to grant, give and issue under his signature all licenses and permissions which may be granted or given by a Municipal Council under this Regulation, other than licenses for markets or slaughterhouses ,

(*b*) he may, subject to the provisions aforesaid, at his discretion suspend, withhold or withdraw any license in any case in which he is empowered as aforesaid to grant or give a license, and in which the Municipal Council may under the provisions aforesaid suspend, with-hold or withdraw such license ,

(*c*) he shall receive and recover and credit to the Municipal Fund all fees payable for licenses and permissions granted or given by him under the powers aforesaid , and

(*d*) he may make such requisitions, by written notice give such written consent or permission, issue such orders and prohibitions, and exercise all such powers as may be made, given, issued or exercised by a Municipal Council under any provisions contained in—

Section 81,
Section 85, sub-sections (2) and (3),
Section 91,
Section 95, sub-sections (3), (4) and (5),
Section 98, proviso to sub-section (2),
Section 100,
Section 101,
Section 103,
Section 105,
Section 107, sub-section (3),
Section 114 sub-section (2),
Section 120,
Section 122, sub-sections (2), (3) and clause (a) of sub-section (6)

Section 124,
Section 125,
Section 129,
Section 138, sub-section (1).
Section 139,
Section 143,
Section 144,
Section 146,
Section 147,
Section 148,
Section 149,
Section 150,
Section 151,
Section 152,
Section 153,
Section 154,
Section 155,
Section 156,
Section 158,
Section 159
Section 161,
Section 162, sub-section (1),
Section 163, sub-section (2),
Section 164,
Section 166,
Section 169,
Section 173, sub-section (3),
Section 176,
Section 177,
Section 178, sub-section (2)
Section 190 and
Section 191

[c 1 Mys 184]
Clause 240 —The power of appointment of the Chief Officer is limited to posts in inferior service

Chief Officer's powers of appointment and punishment

240 The Chief Officer shall have, independently of such powers as may be delegated to him by the Municipal Council in this behalf, power—

(*a*) to appoint without the previous sanction of the Municipal Council, to any post in the inferior service, and to fine, reduce, suspend or dismiss any person holding such post ,

(*b*) subject to the provisions of the rules for the time being in force, to fine, reduce or suspend any other Municipal officer or servant, not being the Health Officer, Engineer or Chief Accountant

Provided that his order in respect of any punishment shall be subject to an appeal to the Municipal Council

[Mys 185]

Chief Officer may make explanations at meetings

241 The Chief Officer may, with the permission of the president, or in virtue of a resolution passed in this behalf at any meeting of the Municipal Council or of any committee, make an explanation, in regard to any subject under discussion at such meeting, but shall not vote upon or make any proposition at any such meeting

SCHEDULE A

Year	No	Title or short title
1906	VII	The Mysore Municipal Regulation, 1906
1911	IX	A Regulation further to amend the Mysore Municipal Regulation of 1906
1914	VIII	A Regulation further to amend the Mysore Municipal Regulation of 1906
1915	VIII	A Regulation further to amend the Mysore Municipal Regulation of 1906
1916	III	A Regulation further to amend the Mysore Municipal Regulation of 1906
1918	V	A Regulation further to amend the Mysore Municipal Regulation of 1906
1921	I	A Regulation further to amend the Mysore Municipal Regulation of 1906
1922	V	A Regulation further to amend the Mysore Municipal Regulation of 1906
1923	IV	A Regulation further to amend the Mysore Municipal Regulation of 1906
1926	IV	A Regulation further to amend the Mysore Municipal Regulation of 1906
1927	VIII	A Regulation further to amend the Mysore Municipal Regulation of 1906
1928	XIII	A Regulation further to amend the Mysore Municipal Regulation of 1906
1929	III	A Regulation further to amend the Mysore Municipal Regulation of 1906
1930	IX	A Regulation further to amend the Mysore Municipal Regulation of 1906

SCHEDLUE I

(MAXIMUM RATES OF TAXES OTHER THAN OCTROI, TERMINAL TAX, TAXES ON VEHICLES AND ANIMALS, TOLLS, TAXES ON ARTS, PROFESSIONS, TRADES AND CALLINGS AND SHOP TAX)

(Section 67, Clauses (i), (v) to (ix) and (xii)

	Taxes	Maximum rate per year
A	Rate on buildings or lands or both	
	(i) Lands not occupied by buildings and not appurtenant to any building or attached thereto for use there with as a garden or pleasure ground or for the pasturage of animals kept for private use	Eight annas for every one hundred square yards
	(ii) Buildings or lands or both not falling under (i)	
	(a) In such Municipalities as may be specified by the Government	Six per centum on the annual letting value
	(b) In other Municipalities	Eight annas for every hundred rupees of the market value up to Rs 2,000, with four annas for every hundred rupees or portion of hundred rupees for the balance of such value in excess of Rs 2,000
B	Tax on dogs	One rupee per head
C	Special Sanitary Cess	Rates that may be notified by the Government from time to time
D	General Sanitary Cess	Do do
E	Water rate or water rates	Do do
F	Lighting tax	One third of the rate leviable under item A
G	Other taxes leviable under clause (xii) of Section 67	Rates to be prescribed by Government in each case

SCHEDULE II

(MAXIMUM RATES OF OCTROI AND TERMINAL TAX)

(Section 67, Clause IV)

Taxes	Maximum rate			
A Octroi —				
	Rs	a	p	
Class I —Articles of food or drink for men or animals —				
Cocoanuts, fresh	0	0	1	each
Cocoanuts, dry	0	8	0	per maund of 960 tolas
Betel leaves	0	0	2	per bundle of 100 leaves
Sugar	0	4	0	per maund of 960 tolas
Jaggory	0	2	0	per maund of 960 tolas weight
Ghee	0	8	0	do do
Butter	0	6	0	do do
Oats	1	0	0	per cent ad-volorem
Bran	1	0	0	do do
Chaff	1	0	0	do do
Class II —Animals used for slaughter				
Sheep and goats	0	2	0	per ,head
Class III —Oils and Oil seeds				
Kerosine oil	0	2	0	per tin
Other oils	0	2	0	per Md of 960 tolas weight
Oil seeds	0	4	0	per candy of 160 seers
Class IV — Articles used in the construction of buildings —				
1 Timber				
(a) Teak, Honne, and Black wood	4	0	0	per ton of 50 cubic ft
(b) Timber of other kinds	2	0	0	do do
2 Chunam or lime	0	4	0	per cart load
3 Roofing tiles (Mangalore pattern)	1	9	0	per cent ad valorem
Class V —Tobacco	4	0	0	per maund of 960 tolas
Class VI —Piece goods and other textil fabrics and manufactured articles of clothing and dress	0	0	3	per rupee ad-valorem
Class VII —Metals	1	9	0	per cent ad valorem
Class VIII —Other articles which are not specified above and which may be approved by the Government by an order in this behalf	2	0	0	do do
Terminal Tax	Rates to be fixed by Government from time to time			

SCHEDULE III

(See section 67, clause II)

VEHICLES, BOATS AND ANIMALS LIABLE TO TAXATION WITH THE RATES OF TAXATION

	Yearly Rs	a	p
For every four-wheeled vehicle with springs constructed to be drawn by two or more horses	20	0	0
For every four wheeled vehicle with springs constructed to be drawn by a horse, bull or bullock, or by two or more horses under thirteen hands, bulls or bullocl s	10	0	0
For every two wheeled vehicle with springs constructed to be drawn by one or more horses, bulls or bullocks	6	0	0
For every Motor bus or motor lorry	60	0	0
For every Motor Car weighing 15 cwts or more	40	0	0

Schedule III —The tax on motor buses and motor lorries is raised to Rs 60 and that on motor cars weighing not less than 15 cwts is raised to Rs 40 The rate on bicycles and tricycles is reduced to Rs 3

	Rs	a	p
For every Motor Car weighing less than 15 cwts	30	0	0
For every motor cycle	15	0	0
For every other vehicle with springs and every palanquin, and every trailer attached to a motor car	6	0	0
For every cart or other vehicle without springs	4	0	0
For every boat	4	0	0
For every bicycle or tricycle	3	0	0
For every elephant	24	0	0
For every camel	12	0	0
For every horse over thirteen hands	10	0	0
For every horse of or under thirteen hands	4	0	0
For every horse of or under eleven hands and for every mule	2	0	0
For every bullock or bull	1	0	0
For every male buffalo	1	0	0
For every ass	0	8	0

SCHEDULE IV

(See section 67, clause iii)

MAXIMUM RATES OF TOLLS PAYABLE ON ENTERING THE MUNICIPAL LIMITS

Schedule IV—The rates are revised so as to be in conformity with those prescribed in the case of Provincial and District Fund tolls

		Rs	a	p
1	On every motor bus as defined in the Motor Vehicles Rules or a motor lorry	2	0	0
2	On every motor car	1	0	0
3	On every motor tricycle or bicycle or trailer attached to a motor car	0	4	0
4	On every four-wheeled carriage	0	8	0
5	On every two-wheeled carriage on springs other than a jutka or ekka	0	4	0
6	On every ekka or jutka laden	0	2	0
7	On every ekka or jutka unladen	0	1	0
8	On every other vehicle with springs including a tricycle or bicycle	0	2	0
9	On every cart or other vehicle not on springs drawn by 8 bullocks, buffaloes, horses, ponies, asses, or mules, if laden	1	0	0
10	On every cart or other vehicle not on springs drawn by 8 bullocks, buffaloes, horses, ponies, asses, or mules, if not laden	0	8	0
11	On every cart or other vehicle not on springs drawn by 6 bullocks, buffaloes, horses, ponies, asses, or mules, if laden	0	8	0
12	On every cart or other vehicle not on springs drawn by 6 bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	4	0
13	On every cart or other vehicle not on springs drawn by 4 bullocks, horses, buffaloes, ponies, asses or mules, if laden	0	6	0
14	On every cart or other vehicle not on springs drawn by 4 bullocks, horses, buffaloes, ponies, asses or mules, if not laden	0	3	0
15	On every cart or other vehicle not on springs drawn by 2 bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	4	0
16	On every cart or other vehicle not on springs drawn by 2 buffaloes, bullocks, horses, ponies asses or mules, if not laden	0	2	0
17	On every cart or other vehicle not on springs drawn by single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
18	On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass, or mule, if not laden	0	1	0

*SCHEDULE V

(Section 67, Clause x)

Tax on Arts, Professions, Trades and Callings

Class I

	Yearly
Every person holding any office or appointment, public or private, or employed in any capacity, whose pay, salary or pension amounts to Rs 2,000 a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to Rs 2,000 a month or upwards — (i) Carrying on business as a Company, (ii) Abkari Renters, Wholesale and Retail Traders, and Manufacturers, of every kind, Contractors, Shipowners, Boatowners, Auctioneers, and Commission Agents, (iii) Bankers, Money lenders, Money changers and Pawnbrokers, (iv) Editors and Proprietors of Newspapers, (v) Dubashes, Under writers, Brokers and Dealers in Securities, Shares or Bills of Exhcange, (vi) Practising Barristers, Advocates, High Court Vakils, Solicitors, Attorneys, Pleaders, and Law Agents, (vii) Practising Medical Practitioners of all kinds including Hakims and Vaidyans, (viii) Dentists and Veterinary Surgeons, (ix) Architects and Civil Engineers, (x) Owners and Farmers of Markets and Toll farmers, (xi) Keepers of Hotels, Lodging Houses, Boarding Houses or Billiard-Saloons, (xii) Builders and Surveyors, (xiii) Owners of Mills, Warehouses, Printing Presses, Oil-Presses, Cotton Presses and other Presses and factories of all kinds, (xiv) Professional Artists, Photographers, Actors, Owners or Managers of Circuses or Theatrical Companies, Musicians and Dancers, (xv) Dealers in animals or vehicles, and owners or keepers of livery stabels or hackney carriages, (xvi) Artizans	Rs 100

Class II

	Rs
Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to Rs 1,500 a month or upwards	75

Class III

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to Rs 1,000 a month or upwards	50

Class IV

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to Rs 500 a month or upwards	25

Class V

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to Rs 300 a month or upwards	12

Class VI

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to Rs 200 a month or upwards	8

CLASS VII.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to Rs 100 a month or upwards 4

CLASS VIII

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to Rs 50 a month or upwards 2

CLASS IX

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to Rs 30 a month or upwards 1

NOTE —The foregoing classification is subject to the following provisos, namely —

PROVISO 1 —No owner of a Cotton Press shall be placed in any class below Class IV

PROVISO 2 —No wholesale Trader, Ship owner, Banker, Dubash, Barrister, Advocate, High Court Vakil, Solicitor, Attorney, Architect, Civil Engineer, Mill owner or Factory-owner shall be placed in any class below Class V

PROVISO 3 —No Abkari Renter (other than a mere liquor shop keeper), Editor or Proprietor of a Newspaper, Under writer, Broker or other Dealer in Securities, Shares or Bills of Exchange, and no First Grade Pleader, Medical Practitioner (other than a Hakim or Vaidyan), Dentist or Veterinary Surgeon shall be placed in any class below Class VI

PROVISO 4 —No Boat owner, Auctioneer, Money-lender, Second Grade Pleader, Vakil, Law Agent, Owner or Farmer of a Market, Toll farmer, Keeper of a hotel, lodging-house boarding house or billiard-saloon, and no Builder, Surveyor or Owner of a Ware house or Press (other than a Cotton Press or Oil Press) shall be placed in any class below Class VII

SCHEDULE VI

MAXIMUM RATES OF TAX ON SHOPS AND OTHER PLACES OF BUSINESS OR PROFESSION

(See Section 67 Clause, xi)

Items	Sort					
	1st	2nd	3rd	4th	5th	6th
	Rs	Rs	Rs	Rs	Rs	Rs
1. Shops (For each shop per year)	30	25	20	10	4	2
2 Other places where business or profession is carried on for purposes of profit (For each place per year)	30	25	20	10	4	2

SCHEDULE VII

(See clause (b) of section 68)

Notice is hereby given to the inhabitants of the Municipality of that the Municipal Council desire to impose the tax, rate, toll, octroi or cess (as the case may be) defined in the Rules appended, [in lieu of the tax known as the which is published at page of the sanctioned Rules]

To be inserted if the tax is to be substituted for any existing tax

Any inhabitant of the Municipality objecting to the proposed tax may, within one month from the date of this notice, send his objections in writing to the Municipal Council

RULES

[The Rules prepared by the Municipal Council under clause (*a*) of section 68 are to be appended here]

SCHEDULE VIII

(See SECTION 81)

Form of notice of transfer to be given when the transfer has been effected by instrument

To the President of the Municipal Council

I A B , hereby give notice, as required by Section 80 of the Mysore Town Municipalities Regulation, 19 of the following transfer of property —

Date of notice	Date of instrument	Name of vendor or assignor	Name of purchaser or assignee	Amount of consideration	Description of the property					If instrument has been registered, the date of registration	Remarks
					Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries		

(Sd) A B

SCHEDULE IX

(See SECTION 81)

Form of notice of transfer to be given when the transfer has taken place otherwise than by instrument.

To the President of the Municipal Council

I, A, B, hereby give notice, as required by Section 80 of the Mysore Town Municipalities Regulation, 19 , of the following transfer of property —

Date of notice	In whose name the property is at present entered in the Municipal registers	To whose name it is to be transferred	Description of property					Remarks
			Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries	

(Sd) A B

SCHEDULE X

(See sub section (3) of section 100)

FORM OF NOTICE OF DEMAND

To

A, B , residing at

Take notice that the Municipal Council of demand from the sum of due from on account of (here describe the property or other subject in respect of which the tax is leviable) leviable under Rule No for the period of commencing on the day o 19 and ending on the day of 19 , and that if, within fifteen days from the service of this notice, the said sum is not paid into the Municipal Office at or sufficient cause for non-payment is not shown to the satisfaction of the Municipal Council, a warrant of distress will be issued for the recovery of the same with costs

Dated this day of 19

(Signed)

By order of the Municipal Council of

SCHEDULE XI

(See sub-section (1) of section 101)

FORM OF WARRANT

To

(Here insert the name of the officer charged with the execution of the warrant)

Whereas A B of has not paid, and has not shown satisfactory cause for the non payment, of the sum of due for the tax* mentioned in the margin for the period commencing on the day of 19 and ending with the day of 19 and leviable under Rule No

*Here describe the tax.

And whereas fifteen days have elapsed since the service on him of Notice of demand for the same ,

This is to command you to distrain, / attach, subject to the provisions of section 101 of the Town Municipalities Regulation, the goods and chattels / any property of the said A, B to the amount of , being the amount due from him, as follows :—

	Rs	a	p
On account of the said tax			
For service of notice			

and forthwith to certify to me together with the warrant all particulars of the goods distrained / property attached by you hereunder

Dated this day of 19 ,

(Signed)

President (or as the case may be), see section 83, (2)

SCHEDULE XII

(See clause (*c*) of sub-section (5) of section 101 and sub-section (1) of section 95)

Schedule XII—The form of inventory and notice has, under clause 95, to be made use of in respect of collection of octroi and tolls also Some deficiencies in the form have been rectified Changes due to Clause 101 have also been incorporated

Form of Inventory and Notice

To

A B , residing at

Take notice that I have this day distrained / attached the goods and chattels / property specified in the inventory beneath this, for the value of due for the tax* mentioned in the margin for the, period commencing with the day of 19 , and ending with the day of 19 together with Rs due as for service of notice of demand, and that unless within five days from the day of the date of this notice you pay into the Municipal Office at the said amount together with the costs of recovery, the said goods and chattels / property will be sold

Dated this day of 19

(Signature of Officer executing the warrant / collecting octroi / collecting toll

*Here describe the tax

Inventory

(Here state particulars of goods and chattels distrained / property attached

W D 428—GPB—400 - 10 10 31

THE MYSORE CITY MUNICIPALITIES BILL

THE MYSORE CITY MUNICIPALITIES BILL.

References and reasons for changes

A REGULATION FOR THE BETTER MANAGEMENT OF MUNICIPAL AFFAIRS IN CITIES IN MYSORE

WHEREAS it is expedient to make better provision for the management of Municipal affairs in City Municipalities in Mysore, it is hereby enacted as follows —

CHAPTER I

PRELIMINARY

Short title.

1 (1) This Regulation may be cited as the Mysore City Municipalities Regulation, 19

Local extent

(2) It extends to the whole of Mysore

Commencement

(3) It shall come into force on the first day of

Repeal

2 On this Regulation coming into force, the enactments mentioned in schedule A shall be repealed in so far as may relate to City Municipalities

[Mys 2 modified]

Provided that—

Saving clause

(*a*) The said repeal shall not affect the validity or invalidity of anything already done under any of the said enactments ,

(*b*) all City municipalities constituted, Municipal Commissioners appointed, Municipal Councillors appointed or elected, committees established, limits defined, appointments, rules, orders and by-laws made, notifications and notices issued, taxes and rates imposed, contracts entered into, and suits and other proceedings instituted, under the said Regulations or under any enactments thereby repealed, shall, so far as may be and so far as they relate to City Municipalities, be deemed to have been respectively constituted, appointed, elected, established, defined, made, issued, imposed, entered into and instituted under this Regulation , and

(*c*) any enactment in force in Mysore, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof

Interpretation sections

3 In this Regulation and in the schedules, unless there be something repugnant in the subject or context—

[Mys 3 modified]

(1) " Municipal Council ' shall mean a City Municipal Council

(2) " Councillor " shall mean any person legally a member of a City Municipal Council

(3) " The whole number " shall mean when used with reference to the Councillors of a Municipal Council the total number of Councillors holding office at the time

(4) " Municipal Commissioner " shall mean a person appointed under the provisions of section 242, and shall include a person appointed to act as Municipal Commissioner under sub-section (3) of section 245

(5) "Judge" shall mean District Judge, Judge of a Court of Small Causes, Subordinate Judge, or Munsiff

(6) "Municipality" shall mean any local area which is at present a City municipality and any local area which may hereafter be constituted or declared as a City municipality under sections 4 and 5, if such municipality has not ceased to be a city municipality

(7) "Land" shall include land which is built upon or covered with water

[Bom Bor 3, (2)]. (8) "Building" shall include any hut, shed, or other enclosure, whether used as a human dwelling or for any other purpose, and shall include also walls, verandahs, fixed platforms, plinths, door-steps and the like

(9) "Owner" shall include the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account, or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant Provided that no person receiving the rent of any land or building as agent or trustee for another person, shall be liable to do anything by this Regulation required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he have funds of, or due to, the owner sufficient to pay for the same, nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of, or due to, the owner sufficient to defray the expense of doing the act required

(10) "Salaried servant of Government" shall not include a retired servant of Government in receipt of a pension, or a person in receipt of a salary from Government who is not a full time servant of Government

(11) "Official year," shall mean the year commencing on the first day of July

(12) "Annual letting value" shall mean the annual rent for which any building or land, exclusive of furniture, or machinery contained or situated therein or thereon might reasonably be expected to let from year to year

(13) "Street" shall mean any road, footway, square, court, alley or passage, accessible whether permanently or temporarily to the public, whether a thoroughfare or not, and shall include every vacant space, notwithstanding that it may be private property, and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings about thereon, and if it is used by any persons as a means of access to or from any public place or thoroughfare, wherher such persons be occupiers of such buildings or not, but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid

(14) "Public street" shall mean any street—

(*a*) over which the public have a right of way, or

(*b*) heretofore levelled, paved, metalled, channelled, sewered or repaired, out of municipal or other public funds, or

(*c*) which under the provisions of section 113 is declared by the Municipal Council to be, or under any other provisions of this Regulation, becomes a public street

(15) ' Tax " shall include any toll, rate, cess, fee or other impost leviable under this Regulation

Ber 3 (12)
Bill clause 67 (iv)]

(16) " Octroi " shall include a terminal tax

(17) " Nuisance " shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smelling or hearing, or which is or may be dangerous to life or injurious to health or property

(18) " Dangerous disease ' shall mean cholera, plague, small-pox, and any endemic, epidemic, or infectious disease by which the life of man is endangered

(19) " Vehicle " shall include bicycles, tricycles and automotor cars, and every wheeled conveyance which is used or capable of being used on a public street

(20) " Public securities " shall mean—

(*a*) securities of the Government of India,

(*b*) securities of the Government of Mysore,

(*c*) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by a law in force in Mysore, or

(*d*) a security expressly authorised by any order which the Government makes in this behalf

CHAPTER II

Constitution of Municipal Councils

(1) *Municipalities*

[Mys 4 modified]

Delimitation of City Municipalities

4 (1) Subject to the provisions of sections 6 and 7 the Government may, from time to time, by notification in the Official Gazette, declare any local area to be a City Municipality, and may, from time to time, by a like notification, extend, contract or otherwise alter the limits of any municipality, or declare that any local area shall, from a date to be specified in the notification, cease to be a municipality

Limits to be specified in notification

(2) Every such notification constituting a new City Municipality, or altering the limits of an existing City Municipality, shall clearly set forth the local limits of the area to be included in or excluded from such municipality, as the case may be

Erection and maintenance of boundary marks

(3) It shall be the duty of the Municipal Council in every City municipality already existing and of every City Municipal Council newly constituted under this Regulation, and of every City Municipal Council whose local limits are altered as aforesaid, to cause, at their own cost, to be erected or set up, if and when so required by the Deputy Commissioner, and thereafter to maintain, at their own cost, substantial boundary marks of such description and in such position as shall be approved by the Deputy Commissioner, defining the limits or the altered limits of the municipality subject to their authority, as set forth in the notification

Property and rights of Municipal Council which has ceased to exist to vest in Government

(4) When any local area ceases to be a municipality, the Municipal Council constituted therein shall cease to exist, and the property and rights vested in any such Municipal Council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such Municipal Council had jurisdiction

Existing section 5 omitted as unnecessary
[New]
Clause 5 —This is added to provide for conversion of existing Municipalities from one class to another

Special provision in regard to conversion of Municipalities from one class to another

5 (1) The Government may at any time after consulting the Municipal Council concerned and considering objections, if any, declare by notification in the official Gazette that any Town Municipality which contains a population of not less than eight thousand inhabitants shall, with effect from a date to be specified in the notification, be deemed to be a City Municipality constituted under this Regulation and may at any time cancel such declaration

(2) The provisions of the Mysore Town Municipalities Regulation, 19 shall not apply to any Municipality declared as a City Municipality under Sub-section (1) with effect from the date specified in the declaration

(3) From the date specified in a notification cancelling a declaration under sub section (1) in respect of a Municipality it shall cease to be a City Municipality and the provisions of the Town Municipalities Regulation 19 shall apply to it

(4) Any appointment, notification, notice, tax, order, scheme, license, permission, rule or form made, issued or imposed under the Mysore Town Municipalities Regulation, 19 in respect of a Municipality declared as a City Municipality, so far as is not inconsistent with the provisions of this Regulation, and any appointment, notification, order, scheme, rule, or form made or issued under any other law in respect of such Municipality shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Regulation or of such other law in respect of the City Municipality constituted by such declaration unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, license, permission, rule or form made or issued under this Regulation or such other law

(5) Before any Town Municipality is constituted into a City Municipality or before a City Municipality is changed into a town Municipality the procedure prescribed in Section 7 shall, as far as may be, be followed

(6) The property, rights and liabilities of a Municipality declared as a City Municipality under sub-section (1) shall vest in the Municipal Council of the Municipality with effect from the date specified in the notification

Existing Section 6 is omitted as unnecessary

What Local areas may be declared to be city municipalities

6 (1) Any local area which comprises —

(*a*) a city, town or station or two or more neighbouring cities, towns and stations, with or without any village, suburb, or land adjoining thereto, or

]Mysore 7]

(*b*) a village or suburb or two or more neighbouring villages and suburbs, may be declared a City Municipality

Provided that, except for exceptional reasons, which shall be clearly set forth in the proclamation under section 7 and in the notification issued under section 4, it shall not be lawful—

(i) to include any city, town, station or suburb in a City Municipality with any other city, town, station or suburb from which it is separated by an extent of more than one mile of land unoccupied by houses , or

[*Vide* Mys 181 (1)]

(ii) to constitute any City Municipality in any area of which the population is less than eight thousand

(2) When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government

Naming of municipalities comprising two or more places

[Mys 8]

City municipalities

7 (1) Not less than two months before the publication of any notification declaring any local area a City municipality, or altering the limits of any such municipality, or declaring that any local area shall cease to be a City municipality the Government shall cause to be published in the Official Gazette, in English and Kanarese, and to be posted up in conspicuous spots in the said local area in Kanarese, a proclamation announcing that it is proposed to constitute such local area a city municipality, or to alter the limits of the municipality in a certain manner, or to declare that such local area shall cease to be a municiaplity, as the case may be, and requiring all persons who entertain any objection to the said proposal to submit the same, with the reasons therefor, in writing to the Deputy Commissioner within two months from the date of the said proclamation, and whenever it is proposed to add to or exclude from a municipality any inhabited area, it shall be the duty of the Municipal Council also to cause a copy of such procalamation to be posted up in conspicuous places in such area

(2) The Deputy Commissioner shall, with all reasonable despatch, forward every objection so submitted to Government

(3) No such notification as aforesaid shall be issued by the Government unless the objections, if any, so submitted are, in its opinion, insufficient or invalid

Existing Section 8 A is omitted and included in clause 5 (5)

(2) *Municipal Councils*

[Mys 9]

Constitution and incorporation of city Municipal Councils

8 In every city municipality there shall be a Municipal Council, and every such Municipal Council shall be a body corporate by the name of " The Municipal Council of ", and shall have perpetual succession and a common seal and may sue and be sued in their corporate name

Municipal Councils to consist of elected and nominated councillors

9 (1) Except as is hereinafter otherwise provided, every such City Municipal Council shall consist of—

(*a*) elected councillors ,

(*b*) nominated councillors, if any, that is to say, such persons as from time to time—

[Mys 10 modified]

(i) are by name appointed in this behalf, or

(ii) are executing the functions of any office from time to time notified in this behalf, by the Government

Clause [9] (2) —Specific provision is made for nominating councillor for default of election at by elections also

In specified proportions

(2) The number of elected Councillors shall not be less than two-thirds of the whole number of Councillors , and of the number of nominated Councillors, the salaried servants of the Government, if any, shall not exceed one-half,

Provided that when a president appointed by Government under clauses (*a*) and (*b*) of sub-section (2) of section 22 or when a president elected under clause (*d*) of the same sub-section is not a Councillor, the two-thirds of the whole number mentioned in this section shall be exclusive of the president so appointed or elected and the president so appointed or elected shall be an additional Councillor

Clause 9 (3) [c f Bom Bor 9 (2)]

(3) Any vacancies due to failure to elect the full number of elected councillors which under this section might be elected and any vacancy due to failure to elect

a Councillor under Section 16 or 17 may, notwithstanding anything contained, in this Regulation, be filled up by nomination by the Government

Clauses 10 to 12 —Same as in the Town Municipalities Bill

[Mys 15A]

13 A Councillor or a Vice-President may resign his office by giving notice in writing to that effect to the President and such resignation shall take effect from the date of the notice The President may resign his office by giving a notice in writing to that effect to the Government If such resignation is accepted it shall take effect from the date on which the intimation of such acceptance reaches the office of the President

Resignation.

Clauses 14 to 19 —Same as in the Town Municipalities Bill

(4) *Municipal Elections*

Existing Section 21 is omitted as the matter may be regulated by rules *Vide* clause 10

[Mys 22 modified c f Dt Bd 14 (1)]

20 (1) At any time within ten days after the date of the declaration of the result of an election of a Councillor or of a President under Clause (*d*) of sub-section (2) of section 22, any candidate who stood for election or any ten persons qualified to vote at that election, may apply, together with a deposit of one hundred rupees as security for costs to the District Judge of the District within which the election has been or should have been held for the determination of the validity of the election

Determination of validity of elections, enquiry by Judge's Procedure.

Sub-clauses (2) to (6) of *clause* 20 —Same as in the Town Municipalities Bill

Clause 21 —Same as in the Town Municipalities Bill

Clause 22, *Sub-clauses* (1) to (5) Same as in the Town Municipalities Bill

Clause 22 (6) —Provision is made for the Deputy Commissioner or the person performing the duties of the Deputy Commissioner performing the functions of the President during vacancies in the office of the President to carry on the executive functions

(6) During a vacancy in the office of the President of a Municipal Council and when there is a Vice-President to take his place, the Deputy Commissioner or the person performing the duties of the Deputy Commissioner for the time being, shall notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder, perform the functions of the President

When Deputy Commissioner may perform functions of President.

Sub clauses (7) to (14) —Same as in Town Municipalities Bill

23 (1) Except as in this Regulation otherwise expressly provided, the Municipal Government of a Municipality vests in the Municipal Council

Municipal Government to vest in the Municipal Council

(2) In a Municipality for which there is a Municipal Commissioner, the executive power for the purpose of carrying out the provisions of this Regulation vests in the Municipal Commissioner, subject, wherever it is in this Regulation expressly so directed, to the approval or sanction of the Municipal Council and subject also to all other restrictions, limitations and conditions imposed by this Regulation

[Mys 24 modified]
(Bom Bor 31)

24 (1) Subject to the provisions of sub-section (2), it shall be the duty of the President of a Municipal Council to—

Functions of Presidents

(*a*) preside, unless prevented by reasonable cause, at all meetings of the Municipal Council and, subject to the provisions of the rules for the time being in force under clause (*a*) of section 50, to regulate the conduct of business at such meetings ,

(*b*) watch over the financial and executive administration of the Municipal Council ,

(*c*) perform all the duties and exercise all the powers specifically imposed or conferred upon by him, or delegated to him under and in accordance with this Regulation ,

(*d*) subject to the provisions of section 37 and of the rules for the time being in force, perform such other executive functions as may be performed by or on behalf of the Municipal Council over which he presides ,

(*e*) exercise supervision and control over the acts and proceedings of all officers and servants of the Municipal Council in matters of executive administration and in matters concerning the accounts and records of the Municipal Council , and, subject to the rules for the time being in force, to dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances ,

(*f*) furnish to the Government a copy of every resolution passed at any meeting of the Municipal Council and any extract from the minutes of the proceedings of the Municipal Council or of any committee or other document or thing which the Deputy Commissioner or the officer authorised by the Government in this behalf from time to time calls for under section 220

(2) In a Municipality for which there is a Chief Officer, the Chief Officer shall subject to the control of the President perform and exercise the duties and powers of the President specified in clauses (*b*) and (*f*) of sub-section (1) of this section, and in clause (*e*) of the same sub-section in regard to servants of the Municipal Council in the inferior service and he may be subject to the control of the President and to the provisions of section 42

(*a*) enter on behalf of the Municipal Council into contracts which do not involve an expenditure of over Rs 50 , and

(*b*) invite, on behalf of the Municipal Council and by public notice, tenders for the execution of any approved work or for the supply of any materials or goods required by the Municipal Council

(3) In a Municipality for which there is a Municipal Commissioner, the duties and powers of the President under clauses (*b*), (*d*), (*e*) and (*f*) of sub-section (1) shall, subject to the provisions of this Regulation and save where it is otherwise expressly provided in this Regulation, be performed and exercised by such Municipal Commissioner

(4) In a Municipality for which there is neither a Chief Officer nor a Municipal Commissioner, the President shall, notwithstanding anything contained in Chapters XIII and XIV and independently of such executive functions as are allotted to him by or delegated to him under any other provisions of this Regulation, exercise all the powers that may be exercised by a Municipal Commissioner in the Municipality and the provisions of section 250 shall be applicable to every disobedience or failure to comply with a lawful direction given by the President in exercise of such powers as if he were the Municipal Commissioner for the Municipality

[Mys 24A]

Channel of official communication with Government

25 (1) No official correspondence between a Municipal Council and the Government shall be conducted except through the President The President shall be bound to transmit communications addressed through him by the Commissioner to the Government or by the Government to the Commissioner

[c f Mad City 10]

Clause 25 (2)—There is no specific provision as regards the responsibility for

Custody of records

(2) In a Municipality for which there is a Municipal Commissioner, the Commissioner, and in every other Municipality the President, shall be responsible for the custody of all records of the Municipal Council including all papers

the custody of the records Under clause 24 (1) (c) the President exercises supervision and control only in matters concerning the records of the Municipal Concil The responsibility proposed to be fixed by this clause

and documents connected with the proceedings of the Council, the Managing Committee and other committees, and shall arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose

Clause 26 Same as in Town Municipalities Bill

CHAPTER III

Conduct of Business

(1) *Municipal Meetings*

Minutes of proceedings to be kept

Clause 27 —*Sub-clauses* (1) to (8) Same as in the Town Municipalities Bill

(9) There shall be kept in English, and, if the Municipal Council so resolve in Kanarese also, minutes of the names of the councillors and of the Government officers, if any, present under the provisions of sub-section (16, and of the proceedings at each general meeting, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the presiding authority of such meeting, and shall at all reasonable times be open to inspection by any inhabitant of the municipality

Sub-clauses 10 to (16) —Same as in the Town Municipalities Bill

[Mys 26 A]

Right of Municipal Commissioner to be present and to speak at municipal meetings

28 (1) (*a*) A Municipal Commissioner shall have the same right of being present at a meeting of the Municiapl Council or the Managing or other Committee and of taking part in the discussions thereat as a Councillor and with the consent of a majority of the Councillors present, ascertained by a show of hands without discussion, may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon, or to make any proposition at such meeting

(*b*) The Municipal Commissioner shall attend any meeting of the Municipal Council or of the Managing or other Committee if required to do so by the President

[Mys 26 (B)]

Duties and powers of individual Councillors

(2) (*a*) Any Councillor may call the attention of the proper authority to any neglect in the execution of municipal work, to any waste of municipal property or the wants of any locality, and may suggest any improvements which he considers desirable

(*b*) Every Councillor shall have the right to interpellate the President and to move resolutions on matters connected with the Municipal Administration, subject to such regulations as may be framed by the Council

(*c*) Every Councillor shall have access to the records of the Municipal Council after giving due notice to the President, provided that the President may for reasons given in writing forbid such access

(2) *Committees*

[Mys 27]

Managing committees

29 (1) For every Municipal Council there shall be a committee called the managing committee, consisting of such number of councillors not exceeding nine or less than three as may have been elected for a period not exceeding one year, in accordance with rules under clause (*a*) of section 50

(2) The managing committee shall, subject,

(i) to any limitations prescribed by the Municipal Council specially in this behalf and generally by rules made under clause (*a*) of section 50, and

(ii) to the provisions of Chapters XIII and XIV, exercise all the powers of the Municipal Council

Powers of managing committees

Provided that no managing committee shall exercise any powers with which any committee appointed under section 30 or 31 is vested

Clauses 30 to 38 —Same as in the Town Municipalities Bill

(3) *Delegation of powers to individuals*

[Mys 37]

39 Any powers or duties or executive functions which may be exercised or performed by or on behalf of the Municipal Council may be delegated, in accordance with rules to be made by the Municipal Council in this behalf, to the President or to the Vice-President, or to the chairman of the managing, or other committee, or to one or more stipendiary or honorary officers, but without prejudice to any powers that may have been conferred on a Chief Officer under Chapter XIII or on any committee by or under section 29, or 30, and each person, who exercises any power or performs any duty or function so delegated, may be paid all expenses necessarily incurred by him therein

Powers, duties and functions may be delegated to officers whose expenses may be paid

Provided that in a Municipality for which there is a Municipal Commissioner the powers or duties or executive functions under this Regulation or under any rule or by-law made hereunder conferred or imposed upon or vested in the Municipal Commissioner shall not be delegated save as provided in section 254

Clauses 40 and 41 —Same as in the Town Municipalities Bill

(6) *Contracts*

[Mys 40]

42 (1) Every Municipal Council shall be competent subject to the restrictions contained in sub-section (2) to lease, sell or otherwise transfer any movable or immovable property which may, for the purposes of this Regulation, have become vested in or been acquired by them, and, so far as is not inconsistent with the provisions and purposes of this Regulation, to enter into and perform all such contracts as they may consider necessary or expedient in order to carry into effect the said provisions and purposes

Competency of Municipal Council to lease sell and contract

Clause 42 (2) —It is expedient to control free grant of immovable land whatever may be the value The powers of Municipal Councils require enhancement within reasonable limits The value of lands and sites has increased considerably

(2) In the case of every free grant of immovable poperty whatever may be its value and of every lease for a term exceeding seven years, and of every sale or other transfer of immovable property exceeding Rs 2,000 in value the previous sanction of the Government is required

Subject in certain cases to sanction of Government

(3) In the case—

(*a*) of a lease for a period exceeding one year, or of a sale or other transfer, or contract for the purchase of any immovable property,

(*b*) of every contract which will involve expenditure not covered by a budget grant,

(*c*) of every contract the performance of which cannot be completed within the official year current at the date of the contract,

the sanction of the Municipal Council by a resolution passed at a general meeting is required

Sanction by resolution at general meeting requisite to validity of certain contracts

Clause 42 (4).—The existing limits of power are unduly low They require to be raised

(4) In the case of a contract for the purchase of movable property, or for the sale of any movable property belonging to a Municipal Council, if the expenditure which the purchase would involve, or the value of the property to be sold as estimated in the Municipal accounts exceeds Rs 2,000 the sanction of the Municipal Council is required

requisite in other cases.

Clause 42 (5).There is no provision for insisting on inviting of tenders for supply of materials for execution of works. It is also necessary to limit the powers of the Municipal Council in the case of tenders involving large amounts

(5) Before any contract for the supply of materials or goods or for the execution of any work which will involve an expenditure exceeding 500 rupees is entered into, tenders shall be publicly invited in such manner as may, from time to time, be determined by the Municipal Council from persons willing to enter into such contract and, when the estimated value exceeds 10,000 rupees, no such contract shall be entered into without the previous approval of the Government or of an officer duly authorised by the Government in this behalf

When tenders should be invited

(6) In the case of every contract not otherwise provided for in the preceding sub-sections of this section, the sanction of the managing committee, or of such other committee, or of such individual as under the provisions of this Regulation or of the rules for the time being in force thereunder, is empowered in this behalf, is required

Sanction by committees and individuals empowered.

(7) Every contract entered into by or on behalf of a Municipal Council, other than a contract to which sub-section (6) applies, shall be in writing, and shall be signed by the President or Vice-President and two other councillors, and shall be sealed with the common seal of the Municipal Council Every contract to which sub section (6) applies shall be executed by the Chairman of the managing committee, or by the Chairman of such other committee, or by such other individual, as is empowered in that behalf, in such manner and form as, according to the law for the time being in force, would bind such chairman or individual if such contract were executed by him on his own behalf

Mode of executing contracts

[Bom Bor 48 (5).]

(8) No contract shall be binding on a Municipal Council unless the requirements of this section shall have been complied with

Invalidity of contracts unless requirements of section are fulfilled

(9) The provisions of this section shall be subject to the provisions of Section 58 and Chapters XIII and XIV

Clauses 43 *to* 49 —Same as in the Town Municipalities Bill

CHAPTER IV

Rules and By-Laws

[Mys 46]

50 Every Municipal Council shall, as soon as conveniently may be after the constitution thereof and subject to the provisions of Chapter XIV make and may from time to time alter or rescind rules, but not so as to render them inconsistent with this Regulation,

Municipal Councils to make rules;

(a) regulating the conduct of their business and the delegation of any of their powers or duties and, subject to the provisions of section 29, the appointment and constitution of committees,

Regulating the conduct of business;

(b) determining,

(i) the executive functions to be performed by the President, Vice-President, the Chairman of any committee, and, subject to the provisions of Chapter XIII, by the Chief Officer, and subject to the provisions of Chapter XIV by the Municipal Commissioner and

Fixing the functions of the President and the establishment;

the delegation of any of their powers or duties to such persons,

(ii) the staff of officers and servants to be employed by the Municipal Council and the respective designations, duties, salaries, fees and absentee or other allowances of such officers and servants, and the powers and duties delegated to them under section 39,

Sub-Clauses (c) to (g) and proviso of Clause 50 and Clause 51 —Same as in the Town Municipalities Bill

[Mys 48 and Bom, Bor 61]

52 (1) Every Municipal Council may from time to time, with the previous sanction of the Government make, alter or rescind by-laws ,but not so as to render them inconsistent with this Regulation— **Power to make by laws**

(*a*) for the regulation and inspection of markets, all public places used for the sale of articles and slaughter houses and all places used by or for animals which are for sale or hire, or the produce of which is sold, and for the proper and cleanly conduct of business therein , for regulating the sale of fruit and vegetables in the Municipal markets or other specified places , and for fixing the rents and other charges to be levied for the use of any of them which belong to the Municipal Council , **For markets and slaughter houses, etc**

(*b*) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licenses may be granted, refused, suspended or withdrawn for the use of any place not belonging to the Municipal Council— **For licensing regulating and inspecting certain businesses.**

(i) as a slaughter-house ,

(ii) as a market or shop for the sale of animals intended for human food, or of meat, or of fish, or as a market for the sale of fruit or vegetables ,

(iii) for any of the purposes mentioned in section 185 ,

(iv) as a dairy hotel, restuarant, eating houses, coffee-house, sweatment-shop, bakery, boarding house, or lodging house (other than a students' hostel under public or recognised control) or for manufacturing ice or aerated waters ,

(v) as a place for the preparation or manufacture of oil ,

(vi) for parching grain or Bengal gram on a large scale ,

(vii) or for any other purpose for which the taking out of a license is or may be prescribed ,

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effect arising or likely to arise therefrom

Sub-Clauses (c) to (z) —Same as in the Town Municipalities Bill

(*aa*) prescribing the qualifications of surveyors or persons by whom plans required under section 122 are to be prepared, or of plumbers , for licensing persons to be surveyors or plumbers, and fixing the fees chargeable for such licenses , and for modifying the provisions of, or revoking such licenses , and prohibiting any alterations or repairs or fittings to water or drainage pipes or house-connections being carried out or made, except by such persons , **Requiring qualified surveyors and plumbers in City Municipalities**

(*bb*) generally for the regulation of all matters relating to municipal administration

Regulating Municipal administration

And every Municipal Council may, with the like sanction, prescribe a fine not exceeding five hundred rupees for the infringement of any such by-law

Fine may be imposed for infringement of by laws

(2) Every Municipal Council shall, before making any by-law under this section, publish in such manner as shall in their opinion be sufficient, for the information of the person likely to be affected thereby, a draft of the proposed by-law, together with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before making the by-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified

Publication of drafts of proposed by laws

(3) When any by-law made by a Municipal Council is submitted to the Government for sanction, a copy of the notice published as aforesaid and of every objection or suggestion so made, shall be submitted for the information of the Government along with the said by-law

Objections and suggestions to be submitted to Government

[*Mys* 49]

53 The rules and by-laws for the time being in force shall be kept open for public inspection at the municipal office at all reasonable times, and printed copies thereof and of this Regulation in English as well as in Kanarese, shall be kept on for sale at cost price

Rules and by laws to be printed and sold.

CHAPTER V

Municipal Property and Fund

Clauses 54 *to* 58 —Same as in the Town Municipalities Bill

CHAPTER VI

Obligatory and Discpetional Functions of Municipal Councils

Clauses 59 *to* 66 —Same as in the Town Municipalities Bill

CHAPTER VII

Municipal Taxation

(1) *Imposition of taxes*

Clauses 67 *to* 70 —Same as in the Town Municipalities Bill

(2) *Assessment of and liability to rates*

Clauses 71 *to* 74 —Same as in the Town Municipalities Bill

[Mys 65 modified]
Vide clause 71
[of Bom Bor 81 (1)]

75 (1) The assessor shall, at the time of the publication of such assessment-list, give public notice of a time, not less than one month thereafter, when the revising authority will proceed to revise the valuation and assessment, and, in all cases in which any property is for the first time assessed or the assessment is increased, the assessor shall

Public notice of time fixed for revising assessment list

also give notice thereof to the owner or occupier of the property, if known and if the owner or occupier of the property is not known, he shall affix the notice in a conspicuous place on the property

[New]

(2) The revising authority to whom objections under sub-section (1) may be made are the following —

Revising authority

In a Municipality for which there is a Municipal Commissioner—the Municipal Commissioner

In a Municipality in which a salaried servant of the Government is the President—the President of the Municipal Council In other cases an officer appointed by the Government for the purpose

Sub-Clauses (3) *to* (7) *of clause* 75 *and clauses* 76 *to* 99 — Same as in the Town Municipalities Bill

CHAPTER VIII

Recovery of Municipal Claims

Clause 100 —Same as in the Town Municipalities Bill

[Bom Bor 105]
Clause 101 —Municipal Councils have been given the power to recover arrears by attachment of immovable property of defaulters, subject to the prior claim of Government in respect of land revenue

In what cases warrant may issue

101 (1) If the person on whom a notice of demand has been served under section 100, sub-section (3), does not, within fifteen days from the service of such notice of demand, either—

(*a*) pay the sum demanded in the notice, or

(*b*) show cause to the satisfaction of the Municipal Council, or of such officer as the Municipal Council by rule may appoint in this behalf, or of the Chief Officer, or of the Municipal Commissioner, if any, why he should not pay the same, or

(*c*) prefer an appeal in accordance with the provisions of section 107 against the demand, such sum with all costs of the recovery may be levied under a warrant caused to be issued by the Municipal Council in the form of Schedule XI or to the like effect, by distress and sale of the movable property or the attachment and sale of the immovable property of the defaulter

Reason I this right Revising authority. Pay & all costs of such ... City Tree ... Rent ... an ...

[Bom Bor 105 (1)—Proviso]

Provided that where any measures, precautionary or otherwise, have been taken in respect of any such property for the recovery of any sum claimed by the Governmnt, any proceedings under this chapter in respect of such property shall abate

Warrant by whom to be signed

(2) Every warrant issued under this section shall be signed by the President of the Municipal Council causing the same to be issued by the chairman of the Managing Committee or by an officer to whom the Municipal Council have delegated their powers under section 39, or by the Chief Officer, or by the Municipal Commissioner, if any

Sub Clauses (3), (4) *and* (5) *of clause* 101 *and clauses* 102 *to* 108 —Same as in the Town Municipalities Bill

[Mys 89]

Receipts to be given for all payments

109 For all sums paid on account of any tax under this Regulation, a receipt stating the amount, and the tax on account of which it has been paid shall be tendered by the person receiving the same

CHAPTER IX

Municipal Powers and Offences

Clauses 110 *to* 114 —Same as in the Town Municipalities Bill

[Mys 91 (A)]

The Regular line of public street

115 (1) It shall be lawful for any Municipal Council to prescribe a line on either side or both sides of any public street within the Municipality and the Municipal Council may from time to time prescribe a fresh line in substitution of any line so prescribed, or for any part thereof

Provided that—

(*a*) at least one month previous to prescribing such line or such fresh line, as the case may be, the Municipal Council shall notify the same in the *Mysore Gazette* and shall give public notice of it and they shall also put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed and shall further give notice to the owners or occupiers of the lands affected by such alignment,

(*b*) the Municipal Council shall consider any written objection or suggestion in regard to such proposal delivered at the office of the Municipal Council within such time as they may specify in such public or special notice; and

(*c*) the Municipal Council shall prepare a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed therein which shall be open for the inspection of the public

Sub-Clauses (2) *to* (4) *of clause* 115 *and clauses* 116 *to* 169 —Same as in the Town Municipalities Bill

[Mys 137]

Tethering cattle, etc

170 (1) Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper, shall be punished with fine which may extend to twenty-five rupees

keeping swine

(2) Whoever keeps any swine so as to be a nuisance shall be punished with fine which may extend to ten rupees

(3) Whoever feeds any animal which is kept for diary purposes or is intended for human food on excrementitious matter, stable refuse, filth, or other offensive matter, or permits such animal to feed or to be fed on such matter, shall be punished with fine which may extend to fifty rupees

[Mys 137A]

Licensing of goats and pigs

(4) Within such limits as the Municipal Council may direct, no person shall keep more than five pigs or more than ten goats without a license from the Municipal Council The Municipal Council may charge an annual fee not exceeding Rs 2 for such license and may impose such conditions in respect of such license as they may think necessary Whoever keeps any pigs or goats contrary to the provisions of this sub-section shall be punishable with fine which may extend to Rs 25

Clauses 171 *and* 172 — Same as in the Town Municipalities Bill

[Mys 139 and Bom Bor 172]

Clause 71 —Existing Section 139 has been recast so as to accord with the provision in clause (*b*) of sub section (1) of existing section 48 and so as to require the taking of licenses for the purposes for which by-laws may be framed by the Municipal Council

173 (1) It shall be lawful for the Municipal Council to direct that no place not belonging to or vested in the Municipal Council shall be used for any of the purposes specified in sub-clauses (*i*), (*ii*) and (*iv*) to (*vi*) of clause (*b*) of sub-section (1) of section 52 except under and in accordance with the conditions of a license from the Municipal Council who may at their discretion from time to time grant, suspend, withhold or withdraw such licenses either generally or in individual cases

Sub-Clauses (2) *and* (3) *of clause* 173 *and clauses* 174 *and* 175 —Same as in the Town Municipalities Bill

[Mys 142]

Search for and inspection of unwholesome articles

176 (1) The President, Vice-President or any Councillor or Officer authorised by the Municipal Council in this behalf—

(a) may at all reasonable times enter into any place for the purpose of inspecting, and may inspect, any animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter or other articles intended for human food or drink or for medicine, whether exposed or hawked about for sale, or deposited in, or brought to, any place for the purpose of sale, or of preparation for sale, or may enter into and inspect any place used as a slaughter-house, and may examine anything which may be therein, and

(b) in case any such animals, carcasses, or other articles before mentioned appear to be diseased or unsound or unwholesome or unfit for human food or drink or medicine, may seize the same

Any article which is of a perishable nature may, under the orders of the President, Vice-President or Chairman of the managing committee or of a committee appointed under section 30 to exercise all or any of the powers vested in the Municipal Council under this sub-chapter, or of the Municipal Commissioner, if any, if in his opinion it is diseased, unsound, unwholseome or unfit for food, drink and medicine, forthwith be destroyed

Every animal and every article which is not of a perishable nature, if seized as aforesaid, shall be taken before a Magistrate

If it appear to the Magistrate upon sufficient evidence that any such article is diseased or unsound or unwholesome or unfit for human food, drink or medicine, the owner or person in whose possession it was found, not being merely bailee or carrier thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees, and the Magistrate shall cause such article to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink or medicine

Sub-Cluases (2) *to* (4) *of clause* 176 *and clauses* 177 *to* 185 —Same as in the Town Municipalities Bill

[Mys 151A modified)
Note—Reference to different kinds of Municipalities is omitted

Factories in crowded localities

186 (1) In any Municipality no person shall establish in any premises, any factory, workshop or work-place in which it is intended that steam, water, electrical or other mechanical power shall be employed, without the previous written permission of the Municipal Council

(2) The Municipal Council may refuse to give such permission if they be of opinion that the establishment of such factory, workshop or work-place in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood or in any other manner contravenes the terms of any by-laws framed in this behalf

(3) Whoever establishes in any premises, any factory, worshop, or work-place as aforesiad without or after the refusal of such permission, or in contravention of the terms of any by-laws framed in this behalf, shall be punished with fine which may extend to two hundred rupees

[Mys 151B modified]
Note—Reference to different kinds of Municipalities is omitted

Use of siren or whistle for summoning or dismissing workmen

187 (1) In any Municipality no person shall use or employ in any factory, or any other place, any whistle or trumpet operated by steam, mechanical means or electricity, for the purpose of summoning or dismissing wowrkmen or

persons employed except under and in accordance with the conditions of a license from the Municipal Council

(2) The Municipal Council may grant such license subject to such conditions as they may deem fit and may at any time withdraw such license on giving one months' notice to the licensee

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without, or in contravention of any of the conditions of or after the withdrawal of such license shall be punished with fine which may extend to fifty rupees

Clauses 188 *to* 197 —Same as in the Town Municipalities Bill

CHAPTER X

Prosecutions, Suits and Powers of Police

Clauses 198 *to* 207 —Same as in the Town Municipalities Bill

CHAPTER XI

Municipal Accounts and Administration Reports

Mys 169]

Presentation of accounts.

208 (1) Every Municipal Council shall have prepared and laid before them, at their periodical general meetings, complete accounts of the receipts and expenditure of the Municipal Council, since the 1st day of July last preceeding, and at a general meeting which shall, if possible, be held on such day between the 1st February and the 1st April as may be fixed in this behalf by the rules of the Municipal Council, a complete account of the actual and expected receipts and expenditure for the financial year ending on the 30th June next following, together with a budget estimate of the income and expenditure of the Municipal Council for the financial year to commence on the 1st July next following

Note—Reference to different kinds of Municipalities is omitted in sub clause (2)

Budget estimates

(2) The Municipal Council shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the 1st July next following The budget as passed by the Municipal Council shall be submitted to the Government and it shall be competent to the Government to sanction the budget with such modifications, if any, as it deems fit The budget so sanctioned may be varied or altered from time to time, as circumstances may render desirable, at a special general meeting called for the purpose, and subject to the sanction of Government obtained in cases, if any, specified by it No expenditure shall be incurred unless provided for in a budget so sanctioned or varied or altered

(3) The Municipal Council shall, at the general meeting in July, or after audit of the past year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past year

Clauses 209 *to* 218 —Same as in the Town Municipalities Bill.

[Mad 33]
Clause 219—There is no express provision for the regular submission of the administration report The clause supplies the omission

219 (1) As soon as may be after the first day of July in every year and not later than such date as may be fixed by the Government, the Municipal Council shall submit to the Government a report on the administration during the preceding official year in such form and with such details as the Government may direct

(2) In a Municipality for which there is a Municipal Commissioner, the Commissioner and in other Municipalities the President, shall prepare the report, the Municipal Council shall consider the report, and forward it to the Government with their resolution thereon

(3) The report shall be published in such manner as the council, subject to the approval of the Government, may direct.

CHAPTER XII

CONTROL

[Mys 173 and c f Bom Bor 213]
Clause 220 —As the staff of expert officers of Government has grown since the Municipal Regulation was passed and as controlled by Deputy Commissioners in the case of City Municipalities is restricted Government should have discretion to decide to what officers powers of inspection should be delegated

Deputy Commissioner s powers of inspection and supervision

220 The Deputy Commissioner or any officer of the Government authorised by the Government by a general or special order shall have power—

(*a*) to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by any Municipal Council *or any institution under their control or management*, or any work in progress under them or under their direction

(*b*) to call for any extract from the proceedings of any Municipal Council or of any committee, or for any book or document in the possession of or under the control of a Municipal Council, and any return, statement, account, or report which he may think fit to require such Municipal Council to furnish ,

Note —Sub section (2) of the existing section 173, has been omitted as it does not relate to city Municipalities

(*c*) to require a Municipal Council to take into their consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such Municipal Council, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the Municipal Council, and to make a written reply to him within a reasonable time stating their reasons for not desisting from doing, or for not doing, such thing

[New]
Clause —221 —*Vide*— clause 234 also Power is given to the Government or any officer authorised by the Government to inspect City Municipal Councils

221 (1) The Government or any officer authorised by the Government in this behalf shall have power to inspect the office of any Municipal Council and call for the records of any such Municipal Council

(2) The officer authorised under sub-section (1) shall submit the records for the orders of Government, if he is satisfied that the order or proceeding of the Municipal Council or their executive is contrary to law or orders for the time being in force

Clauses 222 *to* 226 —Same as in the Town Municipalities Bill.

Special provision in regard to works executed by Government.

227 (1) Notwithstanding anything contained in this Regulation, it shall be lawful for the Government at any time—

(*a*) to construct any work or works of a permanent nature which, in the opinion of Government, is or are necessary or desirable for the health, safety or convenience of the inhabitants, whether within any municipality or without it wholly or in part

(*b*) to retain the management and maintenance of any such work or to entrust the same, in whole or in part

to the Municipal Council, or to resume the same from the Municipal Council,

(c) to recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the Municipal Fund or from the proceeds of any tax or taxes imposed under this Regulation,

(d) to prescribe, by notification in the Official Gazette, rules having the force of law, for the proper management and maintenance of any such work and for the regulation of all matters and things connected therewith, and to affix a penalty not exceeding five hundred rupees for the infringement of any such rules

(2) It shall be the duty of any person who for the time being has custody of any moneys on behalf of the Municipal Council, to pay, from such moneys as he may have in his hands or may from time to time recieve, all amounts directed by Government to be paid by the Municipal Council under clause (c) of the preceding sub-section

(3) The provisions of this section shall be deemed to apply with retrospective effect in respect of the works heretofore carried out at the expense of Government for the water-supply of the cities of Bangalore and Mysore

Clause 228 —Same as in the Town Municipalities Bill

[Mys 177,]

Power of Government, to prevent extravagance in the employment of establishment

229 (1) If in the opinion of the Government the number of persons who are employed by a Municipal Council as officers or servants or whom a Municipal Council propose to employ, or the remuneration assigned by the Municipal Council to those persons, or to any particular person, is excessive, the Municipal Council shall, on the requirement of the Government, reduce the number of the said persons or the remuneration of the said person or persons

Clause 229 (2) (i) —Reference to Chief Officer is omitted as provision for this compulsory appointment of Chief Officer is made in clause 236

Government may require any City Municipal Council to appoint a Chief Officer, a Health Officer, or an Engineer

(2) It shall be lawful for the Government—

(i) to require, if in its opinion at any time such an appointment is necessary, the appointment of a Health Officer, or of an Engineer, or both to be made by any Municipal Council,

(ii) to make in its discretion an order vetoing the appointment, or continuance in any such office, of any person selected therefor or appointed thereto by any such Municipal Council, and the teunre of such office by any such person shall cease and determine on and from the date on which such order is communicated to the Municipal Councill,

(iii) to require that any person appointed to be a Chief Officer or a Municipal Commissioner shall be invested by any such Municipal Council with all or any of the powers which can under this Regulation or under any rules in force at the time be lawfully delegated to him, in addition to such powers as are conferred on him by Section 239 or by Chapter XIV as the case may be,

(iv) to require that all or any of the powers referred to in section 178 or in section 179 (if the conditions under which that section comes into operation exist), shall be delegated by any such Municipal Council, whether there be a Chief Officer or not, to the President,

Vice-President or any such Councillor as the Government may deem fit

(3) Any requisition issued to the Municipal Council under clause (i), (iii), or (iv) of sub-section (2) above shall be complied with, within such time as the Government may in each case, prescribe in that behalf

Clause 230 *and* 231 —Same as in theT own Municipalities Bill

Disputes between City Municipal Council and other local authorities
[Mys 179 A modified]

232 (1) If any dispute for the decision of which this Regulation does not otherwise provide exists between a City Municipal Council and one or more other local authorities in regard to any matters arising under the provisions of this or any other Regulation and the dispute is not amicably settled, the matter shall be referred to the Government who may take cognizance of the dispute and decide it and the decision of the Government shall be final

Clause 232 (2) —This is added to remove or doubt as to whether the decisions under the section may be revised by civil courts
[Mys 180 A]

(2) No suit shall be entertained by a civil court in respect of any dispute referred to in sub-section (1)

Clause 233 —Same as in the Town Municipalities Bill

234 —The Deputy Commissioner shall not exercise the powers conferred on him under sections 220, 223 and 224 except under the special orders of Government

Clause 235 – Same as in tne Town Municipalities Bill

CHAPTER XIII

Appointment and Powers of Chief and other Municipal Officers

Clauses 236 *to* 241 —Same as in the Town Municipalities Bill

CHAPTER XIV

Municipal Commissioner, His Powers and Duties

[Mys 186 A modified]

Appointment of Municipal Commissioner

242 (1) Notwithstanding anything contained in Chapter XIII, the Government may appoint a Municipal Appo ntment of Municipal Commissioner Commissioner for any City Municipality

(2) On the appointment of a Municipal Commissioner, the appointment of Chief Officer shall forthwith terminate, provided that the appointment of a Municipal Commissioner shall not be made until such notice has been given to the Chief Officer, if any, as the term of his appointment entitles him to receive and until the expiry of the period specified in such notice

(3) The Government may, at any time discontinue the appointment of a Municipal Commissioner for any Municipality for which such appointment has been made

[Mys 186 B modified]
Clause 248.—Existing Section 186B prescribes the term of appointment of a Municipal Commissioner at three years in the first instance In practice, however, a salaried servant of Government who is appointed as a Municipal Commissioner can hold office only for such time as his services can be spared Hence the amendment proposed in this clause

Removal from office.

243 (1) A Municipal Commissioner who is not a salaried servant of Government shall hold office for a period of three years, in the first instance, and thereafter for such further period not exceeding three years, at a time as the Government may in each case determine A Municipal Commissioner who is a salaried servant of Government shall hold office for such period as the Government may from time to time fix in each case

(2) A Municipal Commissioner may be removed from office at any time by the Government if it shall appear to the Government that he is incapable of performing the

duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient

[Mys 186C]

(3) The Government shall remove the Commissioner from office, if at a special meeting of the Municipal Council called for the purpose, not less than two-thirds of the whole number of Councillors vote for such removal

Salary of Municipal Commissioner

244 (1) A Municipal Commissioner shall receive such monthly salary payable wholly by the Municipal Council or party by the Municipal Council and partly by Government, as the Government may from time to time, determine with due regard to the resources of the Municipality

Prohibition of engagement in other business

(2) A Municipal Commissioner shall devote his whole time and attention to the duties of his office as prescribed in this Regulation or in any other enactment for the time being in force, and shall not engage in any other profession, trade or business whatever

Provided that the Government may assign to him any other work of local importance or interest, if in their opinion he can perform such additional work without prejudice to his duties as Municipal Commissioner

[Mys 186D]

Leave of absence

245 (1) The Government may, from time to time, in consultation with the Municipal Council, grant leave of absence for such period as it thinks fit to a Municipal Commissioner

Leave allowance

(2) The allowance to be paid to a Municipal Commissioner while absent on leave, shall be of such amount, not exceeding his salary, as shall be fixed by the Government

Provided that, if the Municipal Commissioner is a salaried servant of Government, the amount of such allowance shall be regulated by the rules for the time being in force relating to the leave allowances of salaried servants of Government of his class

Appointment of substitute

(3) During any absence on leave, or other temporary vacancy in the office of a Municipal Commissioner, the Government may appoint a fit person to act as Municipal Commissioner Every person so appointed shall exercise the powers and perform the duties conferred and imposed by or under this Regulation or by any other enactment far the time being in force on the person for whom he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions to which the said person is alible

[Mys 186E]

Contribution from Municipal Council towards pensions and leave allowances of Municipal Commissioners

246 (1) When a salaried servant of Government is appointed to be a Municipal Commissioner, the Municipal Council shall, unless specially exempted wholly or in part from liability by the Government, contribute to his pension and leave allowances to the extent required by proviso (*b*) to section 50

(2) When a person other than a salaried servant of Government is appointed to be a Municipal Commissioner the Municipal Council shall pay from Municipal Fund the whole of his leave allowances fixed, as hereinbefore provided, by Government, and may, with the sanction of Government, grant him a pension or gratuity on retirement, or grant a compassionate allowance to his family on his death

[Mys 186F]

Power of Municipal Council to require returns reports or production of documents.

247 (1) The Municipal Council may require the Municipal Commissioner to furnish them with—

(*a*) any return, statement, estimate, statistics, or other information regarding any matter appertaining to

the administration of this Regulation or to the Municipal Government of the Municipality ;

(*b*) a report on any such matter , and

(*c*) a copy of any document in his charge

Provided that in emergent cases which do not admit of delay till a meeting of the Municipal Council is called, the President may call for information, return, statistics, estimates, etc , referred to above

(2) The Municipal Commissioner shall comply with every such requisition without unreasonable delay

[Mys 186G]

Powers of Municipal Commissioners and limitations thereon

248 A Municipal Commissioner shall exercise the powers hereinafter specified, and such other executive powers as may be delegated to him by the Municipal Council under the provisions of this Regulation —

(1) he shall exercise all the powers specifically conferred on the Chief Officer by the provisions of this Regulation , and

(2) he may make such requisition by written notice, give such written consent or permission, issue such orders and prohibitions, exercise all such powers and perform all such duties as may be made, given, issued, exercised and performed by a Municipal Council under any of the provisions contained in the following sections or sub-sections, namely —

Clause 104 —The provisions of the Regulation under which the Commissioner may exercise powers have been revised with reference to the changes made in clause 98

Section 84,
Section 86,
Section 94,
Section 96,
Section 113,
Section 114,
Section 116,
Section 117,
Section 119,
Section 122,
Section 125,
Section 127,
Section 128,
Section 131,
Section 133,
Section 134,
Section 135,
Section 136,
Section 137,
Section 138, *sub section* (2),
Section 140, sub section (1),
Section 142,
Section 145,
Section 167,
Section 178,
Section 179,
Section 181,
Section 182,
Section 185,
Section 188,
Section 192,
Section 193,
Section 195,
Section 197,
Section, 198 and
Section 199

Provided as follows .—

(*a*) The powers conferred on the Municipal Council by or under the provisions contained in section 86, section

113, section 114, section 117, sub-section (1) of section 134, section 142, sub-section (1) of section 145, and, in the case of a well, section 167, shall not be exercised by the Municipal Commissioner except subject to the general or special orders of the Municipal Council or, in the absence of such orders, with the previous approval of the Municipal Council,

(*b*) The powers conferred on the Municipal Council by or under any of the provisions of this Regulation (i) to make rules or bye-laws, and (ii) to authorise the President or the Vice-President, or a Committee or a Councillor to do anything, shall not be exercised by the Municipal Commissioner,

(*c*) Property, whether movable or immovable, vested in or belonging to or otherwise held by the Municipal Council, shall not be deemed to vest in or belong to or otherwise to be held by the Municipal Commissioner,

(*d*) The power conferred by Section 198 to direct a prosecution or to order proceedings to be taken for the punishment of any person offending against the provisions of the following sections or sub-sections shall not be exercised by the Municipal Commissioner except with the previous approval of the Municipal Council,

Section 47, section 49, sub-section (4) of section 114, section 171 and sub-section (4) of section 183

[Mys 186H]

Municipal Commissioner deemed to be authorised in certain matters although not expressly so authorised

249 When a Municipal Council empowered by any of the provisions of this Regulation or by any bye-laws made hereunder to authorise an officer to exercise any power whatever or to do anything, have so autorised any officer, they shall be deemed so to have authorised the Municipal Commissioner notwithstanding that they have not expressly so authorised him

[Mys 186 I]

Punishment for person disobeying lawful direction given by Municipal Commissioner

250 Whoever disobeys or fails to comply with a lawful direction given by the Municipal Commissioner in any matter shall be punishable in the same manner as a person who disobeys or fails to comply with a lawful direction given by the Municipal Council in the same matter

[Mys 186 J]

Powers of Municipal Commissioner to appoint grant leave, punish and dismiss

251 (1) A Municipal Commissioner shall have, independently of such powers as may be delegated to him by the Municipal Council in this behalf, power without the sanction of the Municipal Council—

(*a*) to appoint, subject to the general rules of recuitment that the Government may make from time to time and subject to the rules for the time being in force under sub-clause (ii) of clause (*b*) of section 50, a fit person to any post under the Municipal Council, the monthly salary for which does not exceed rupees one hundred, other than to the post of Health Officer, Engineer, Chief Accountant, Manager or Auditor,

(*b*) to grant, subject to the rules for the time being in force under clause (f) of section 50, leave of absence to the holder of any post to which the Municipal Commissioner has power to appoint, and to appoint a fit person to act for such holder during such absence,

(*c*) to fine, reduce, suspend or dismiss the holder of any post to which the Municipal Commissioner has power to appoint

Provided that no holder of a post the monthly salary for which exceeds rupees fifty, shall be dismissed by the Municipal Commissioner without the approval of the Municipal Council

(2) When a Municipal Commissioner has been appointed under the provisions of this Regulation, all other

officers and servants employed by the Municipal Council shall be subordinate to him

[Mys 186K]
Note —Reference to school committed in the existing section is omitted.

Municipal Commissioner not to exercise powers of Municipal Council over masters and teachers

252 Notwithstanding anything contained in section 24, in section 240, and in section 256, the powers conferred on the Municipal Council by or under any of the provisions of this Regulation to appoint, grant leave of absence, to punish or dismiss any master, teacher or other person employed in a primary or other school vested in or maintained by the Municipal Council or employed in any educational institutions aided by the Municipal Council shall not be exercised by the Municipal Commissioner

Clause 258—Reference to existing section 65 is omitted *Vide* clauses 71 and 74

Order not subject to appeal except in certain cases

253 No appeal shall lie to the Municipal Council in respect of any order passed or anything done by a Municipal Commissioner in the exercise of powers conferred upon him by or under the provisions of this Regulation except in the case of an order passed or anything done by him under any of the following *provisions,* namely —

(i) Sub-sections (1) and (2) of section 116, (ii) sub-section (1) of section 125, (iii) sub-section (1) of section 131, (iv) sub-section (2) of section 162, (v) section 185, (vi) clause (*b*) of sub-section (1) of section 192 and (vii) *clause (*c*) of sub-section (1) of section 256,* in respect of an order of dismissal

[Mys 186M]

Delegation powers of Municipal Commissioner

254 (1) With the sanction of the Municipal Council, the Municipal Commissioner may, by general or special order in writing, delegate to any Municipal Officer or servant any of the Municipal Commissioner's powers, duties or functions under this Regulation or under any rule or bye-law made hereunder except such as are conferred or imposed upon or vested in him under the following sections, namely, 185, 198, and 256

(2) The exercise or discharge by any municipal officer or servant of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such conditions and limitations, if any, as may be prescribed in the said order and also to the control and revision by the Municipal Commissioner

[Mys 186N]
Clause 106—The limit of the power of sanction of the Commissioner in respect of contracts is raised from Rs 500 to Rs 1,000

Power to execute contracts on behalf of Municipal Council

255 In any Municipal Council for which a Municipal Commissioner has been appointed, notwithstanding anything contained in section 42, the following provisions with respect to the making of contracts under or for any purposes of this Regulation shall have effect, namely —

(*a*) every such contract shall be made on behalf of the Municipal Council, by the Municipal Commissioner,

(*b*) no such contract for any purpose which the Municipal Commissioner is not empowered by this Regulation to carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first of all been duly given;

(*c*) no contract for the purchase, sale, lease, mortgage or other transfer of immovable property, shall be entered into by the Municipal Commissioner except with the approval or sanction of the Municipal Council,

(*d*) no contract which will involve an expenditure exceeding one thousand rupees shall be made by the Municipal Commissioner except with the approval or sanction of the Municipal Council,

(*e*) every contract made by the Municipal Commissioner involving an expenditure exceeding two hundred and fifty rupees and not exceeding one thousand rupees shall be reported by him within fifteen days after the same has been made, to the Municipal Council,

(*f*) the foregoing provisions of this section shall apply to every variation or discharge of a contract as to an original contract

[Mys 186 O]

Mode of executing contracts.

256 (1) Notwithstanding anything contained in sub sections (7) and (8) of section 42, every contract entered into by a Municipal Commissioner on behalf of a Municipal Council shall be entered into in such manner and form as would bind such Municipal Commissioner if such contract were on his own behalf, and may in like manner and form be varied or discharged

Provided that—

(*a*) Where any such contract, if entered into by a Municipal Commissioner, would require to be under seal, the same shall be sealed with the common seal of the Municipal Council

(*b*) Every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees shall be in writing and shall be sealed with the common seal of the Municipal Council and shall specify the work to be done or the materials or goods to be supplied as the case may be, the price to be paid for such work materials or goods and, in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed

(2) The common seal of the Municipal Council shall not be affixed to any contract or other instrument, except in the presence of two members of the Managing Committee, who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument

(3) No contract not executed in the manner provided in this section shall be binding on the Municipal Council

[Mys 186P]

Ten invi con involving expendire exceeding Rs 500

257 (1) Except as is otherwise provided in sub-section (3), a Municipal Commissioner shall at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees, give notice by advertising in the local newspapers, inviting tenders for such contract

(2) A Municipal Commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provisions of clause (*d*) of section 26D, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous or may reject all the tenders submitted to him

(3) The Municipal Council may, subject to the provisions of section 42, authorise the Municipal Commissioner, for reasons which shall be recorded in their proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them

[Mys 186Q]

Security when to be taken for performance of contract

258 A Municipal Commissioner shall require security for the due performance of every contract into which he enters under the last preceding section, and may, in his discretion, require security for the due performance of any other contract into which he enters under the Regulation

SCHEDULE A

SAME AS IN THE TOWN MUNICIPALITIES BILL

SCHEDULE I

MAXIMUM RATES OF TAXES OTHER THAN OCTROI, TERMINAL TAX, TAXES ON VEHICLES AND ANIMALS, TOLLS, TAXES ON ARTS, PROFESSIONS, TRADES AND CALLINGS AND SHOP TAX)

Section 67, Clauses (i), (v) to (ix) and (xii)

	Taxes	Maximum rate per year
A	Rate on buildings or lands or both —	
	(i) Lands not occupied by buildings and not appurtenant to any building or attached thereto for use therewith as a garden or pleasure ground or for the pasturage of animals kept for private use	Eight annas for every one hundred square yards
	(ii) Buildings or lands or both not falling under (i)	Six per centum on the annual letting value
B	Tax on dogs	One rupee per head
C	Special Sanitary Cess	Rates that may be notified by the Government from time to time
D	General Sanitary Cess	Do do
E	Water rate or water rates	Do do
F	Lighting tax	One third of the rate leviable under item (A)
G	Other taxes leviable under clause (xii) of Section 67	Rates to be prescribed by Government in each case

SCHEDULE II

(Maximum rates of Octroi and terminal tax)

(*Section 67, Clause iv*)

	Taxes	Maximum rate Rs a p	
A	Octroi —		
	Class I —Articles of food or drink for men or animals —		
	Cocoanuts, fresh	0 0 1	each
	Cocoanuts, dry	0 8 0	per maund of 960 tolas
	Betel leaves	0 0 2	per bundle of 100 leaves
	Sugar	1 0 0	per cent *ad valorem*
	Jaggery	0 2 0	per manud of 960 tolas weight
	Ghee	0 8 0	do
	Butter	0 6 0	do
	Oats	1 0 0	per cent *ad valorem*
	Bran	1 0 0	do
	Chaff	1 0 0	do
	Class II —Animals used for slaughter —		
	Sheep and goats	0 2 0	per head
	Class III —Oils and Oil seeds		
	Kerosene oil	0 2 0	per tin
	Other oils	0 2 0	per Mds of 960 tolas weight
	Oil seeds	0 4 0	per candy of 160 seers

SCHEDULE II—*concld.*

Taxes	Maximum rate
	Rs a p
Class IV —Articles used in the construction of buildings —	
1 Timber	Rates to be fixed by Government from time to time
2 Chunnam or lime	0 4 0 per cart load
3 Roofing tiles (-Mangalore pattern)	1 9 0 per cent *ad-valorem*
Class V —Tobacco	4 0 0 per maund of 960 tolas
Class VI —Piece-goods and other textile fabrics and manufactured articles of clothing and dress	0 0 3 per rupee *ad-valorem*
Class VII —Metals	1 9 0 per cent *ad-valorem*
Class VIII —Other articles which are not specified above and which may be approved by the Government by an order in this behalf	2 0 0 do
B Terminal Tax	Rates to be fixed by Government from time to time

SCHEDULE III

(See Section 67, clause ii)

VEHICLES, BOATS AND ANIMALS LIABLE TO TAXATION WITH THE RATES OF TAXATION

Schedule III—The tax on motor buses and motor lorries is raised to Rs. 60 and that on motor cars weighing not less than 15 cwts. is raised to Rs 40

	Yearly Rs	a	p
For every four wheeled vehicle with springs constructed to be drawn by two or more horses	20	0	0
For every four wheeled vehicle with springs constructed to be drawn by a horse bull or bullock, or by two or more horses under thirteen hands, bulls or bullocks	10	0	0
For every two-wheeled vehicle with springs constructed to be drawn by one or more horses, bulls or bullocks	6	0	0
For every Motor bus Motor Lorry	60	0	0
For every Motor Car weighing 15 cwts or more	40	0	0
For every Motor Car weighing not less than 15 cwts	30	0	0
For every motor cycle	15	0	0
For every other vehicle with springs and every palanquin, bicycle or tricycle and every trailer attached to a motor car	6	0	0
For every cart or other vehicle without springs	4	0	0
For every boat	4	0	0
For every elephant	24	0	0
For every camel	12	0	0
For every horse over thirteen hands	10	0	0
For every horse of or under thirteen hands	4	0	0
For every horse of or under eleven hands and for every mule	2	0	0
For every bullock or bull	1	0	0
For every male buffalo	1	0	0
For every ass	0	8	0

SCHEDULES IV AND V

Same as in the Town Municipalities Bill

SCHEDULE VI

Maximum rates of tax on shops and other places of business or profession

(*See Section 67, Clause xi*)

Items	Sort					
	1st	2nd	3rd	4th	5th	6th
	Rs	Rs	Rs	Rs	Rs	Rs
1 Shops (for each shop per year)	50	40	30	20	10	5
2 Other places where business or profession is carried on for purposes of profit (For each place per year)	50	40	30	20	10	5

SCHEDULE VII

Same as in the Town Municipalities Bill

SCHEDULE VIII

(SECTION 81)

Form of notice of transfer to be given when the transfer has been effected by instrument

To the President of the Municipal Council

I, A B , hereby give notice, as required by Section 80 of the Mysore City Municipalities Regulation,19 , of the following transfer of property —

Date of notice	Date of instrument	Name of vendor or assignor	Name of purchaser or assignee	Amount of consideration	Description of the property					If instrument has been registered, the date of registration	Remarks
					Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries		

(Sd) A B

SCHEDULE IX

(SECTION 81)

Form of notice of transfer to be given when the transfer has taken place otherwise than by instrument

To the President of the Municipal Council

I, A B , hereby give notice, as required by Section of the Mysore City Municipalities Regulation, 19 , of the following transfer of property —

Date of notice	In whose name the property is at present entered in the Municipal registers	To whose name it is to be transferred	Description of property					Remarks
			Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries	

(Sd) A B

SCHEDULES X, XI AND XII

Same as in the Town Municipalities Bill

WD 427—GPB—Mono—405— 8 10 31

THE MYSORE MINOR MUNICIPALITIES BILL.

References and reasons

A REGULATION TO MAKE BETTER PROVISION FOR THE ADMINISTRATION OF SMALL MUNICIPALITIES IN MYSORE

Wher as it is expedient to make better provision for the administration of small municipalities in Mysore it is hereby enacted as follows —

CHAPTER I

Short title

1 (1) This R gulation may be called the Mysore Minor Municipalities Regulation, 19

(2) It extends to the whole of Mysore

(3) It shall come into force on the first day of

Repeal

2 On this Regulation coming into force, the enactments mentioned in Schedule A shall be repealed in so far as they relate to Minor Municipalities

Provided that—

Saving clause

(*a*) the said repeal shall not affect the validity or invalidity of anything already done under any of the said enactments,

(*b*) all minor municipalities constituted, Municipal Councillors appointed or elected, Committees established limits defined, appointments, rules and orders made, notifications and notices issued, taxes and rates imposed, contracts entered into and suits and other proceedings instituted, under the said Regulations or under any enactments thereby repealed shall, so far as may be and so far as they relate to Minor Municipalities, be deemed to have been respectively constituted, appointed, elected, established defined, made, issued, imposed, entered into and instituted under this Regulation, and

(*c*) any enactment in force in Mysore, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof

Interpretation Section

3 In this Regulation, unless there be something repugnant in the subject or context—

[Bom Bor 3 and Mys (3)]

(1) "Amildar" includes a Deputy Amildar

(2) "Building" shall include any hut, shed, or other enclosure, whether used as a human dwelling or *for any other purpose*, and shall also include walls, verandahs, fixed platforms, plinths, doorsteps, and the like

(3) "Councillor" shall mean any person legally a member of a Minor Municipal Council

(4) "Dangerous disease" shall mean cholera, plague, small-pox, and any endemic, epidemic, or infectious disease by which the life of man is endangered

(5) "Land" shall include land which is built upon or covered with water

(6) "Municipal Council" shall mean a Minor Municipal Council

(7) "Municipality" shall mean any local area which is at present a Minor Municipality and any local area which may hereafter be constituted or declared as a Minor Municipality under sections 4 and 5, if such Municipality has not ceased to be a Minor Municipality

(8) "Nuisance" shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property

(9) "Official year" shall mean the year commencing on the first day of July

[Bom Bor 3 (14)] (10) "Owner" shall include the person for the time being receiving the rent of any land or building, whether on his own account, or as agent or trustee for any other person or for any society or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant

(11) "Prescribed" means prescribed by any rule made under this Regulation

[New] (12) "Public securities" shall mean—

(a) Securities of the Government of Mysore, or

(b) a security expressly authorised by any order which the Government make in this behalf

[Mysore 3 (12) omitting Sub-clause (c)] (13) "Public street" shall mean any street—

(a) over which the public have a right of way, or

(b) heretofore levelled, paved, metalled, channelled, sewered or repaired, out of Municipal or other public funds

(14) "Salaried servant of the Government" shall not include a retired servant of the Government in receipt of a pension, or a person in receipt of salary from the Government who is not a full-time servant of the Government

(15) "Street" shall mean any road, footway, square, court, alley, passage or vacant space, accessible whether permanently or temporarily to the public, whether a thoroughfare or not

(16) "Taluk" includes a Sub-Taluk

(17) "Tax" shall include any toll, rate, cess, fee or other impost leviable under this Regulation

(18) "Vehicle" shall include bicycles, tricycles, automotor cars and every wheeled conveyance which is used or capable of being used on a public, street

(19) "Whole number" shall mean when used with reference to the councillors of a Municipal Council, the total number of councillors holding office at the time

CHAPTER II

THE MUNICIPAL CONSTITUTION AND GOVERNMENT

Procedure of constituting a Minor Municipality.

[P. S T 3 modified] 4 (1) The Government may by notification in the official gazette and by proclamation in the area concerned—

(a) propose with effect from a date specified therein to declare any local area with a population of less than 5,000 but not less than 3,000 according to the latest census to be a minor Municipality, which shall for the purposes of this Regulation be called "Municipality," or from time to time, to extend, contract or otherwise alter the limits of any Municipality or to declare that any local area shall cease to be a Municipality

(b) define the limits of any Municipality for the like purposes

(2) Any inhabitant desirous of preferring any objection to a notification issued under sub-section (1) may,

within three months from the date of its publication in the official gazette, submit his objection in writing, through the Deputy Commissioner to the Government

(3) After the expiry of three months from the date of the publication of the notification in the official gazette and consideration of such objections as may have been submitted to them, the Government may, by notification, declare the local area to be or to cease to be a Municipality or to be excluded from or included in a Municipality for the purpose of this Regulation

Special provision in regard to conversion of Municipalities from one class to another

5 (1) The Government may, at any time after consulting the Municipal Council concerned and considering objections, if any, declare by notification in the official gazette that any Town Municipality which contains a population of not less than 3000 inhabitants be deemed to be a Minor Municipality constituted under this Regulation and may at any time cancel such declaration

(2) The provision of the Mysore Town Municipalities Regulation, 19 . shall not apply to any Municipality declared as a Minor Municipality under sub-section (1) with effect from the date specified in the declaration

(3) From the date specified in a notification cancelling a declaration under sub-section (1) in respect of a Municipality it shall cease to be a Minor Municipality and the provisions of the Town Municipalities Regulation, 19 shall apply to it

(4) Any appointment, notification, notice, tax, order, scheme, license, permission, rule or form made, issued or imposed under the Mysore Town Municipalities Regulation 19 in respect of a Municipality declared as a Minor Municipality, so far as is not inconsistent with the provisions of this Regulation, and any appointment, notification, order, scheme, rule, or form made or issued under any other law in respect of such Municipality shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Regulation or of such other law in respect of the Minor Municipality constituted by such declaration unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, license, permission, rule or form made or issued under this Regulation or such other law

(5) Before any Town Municipality is constituted into a Minor Municipality or before a Minor Municipality is changed into a Town Municipality, the procedure prescribed in section 4 shall, as far as may be, be followed

(6) The property, rights and liabilities of a Municipality declared as a Minor Municipality under sub-section (1) shall vest in the Municipal Council of the Municipality with effect from the date specified in the notification

Municipal Government to vest in Municipal Council

6 (1) Except as in this Regulation otherwise expressly provided, there shall be a Municipal Council for every Municipality, and the Municipal Government of every Municipality shall vest in the Municipal Council

Incorporation of Municipal Councils

[Bom Bor 8 modified] (2) The Municipal Council shall, by the name of the Municipality, be a body corporate and have perpetual succession and a common seal, and may sue and be sued through the President

Constitution of Municipal Councils

(3) (*a*) The Municipal Council shall consist of councillors elected in accordance with the rules prescribed and of councillors, if any, appointed by the Government by name or by office

[c f Mys 10] (*b*) The number of each class of councillors on each council shall be fixed from time to time by the Government and the number of elected councillors on any

Municipal Council shall not be less than one-half of the number of councillors fixed and of the number of appointed councillors, the salaried servants of the Government, if any, shall not exceed one-half

(c) If a councillor is appointed by office, the person for the time being holding the office shall be a councillor

(d) Any vacancies among councillors due either to want of candidates or to failure to elect the required number of councillors which under this section or section 15 or 16 may be elected may, notwithstanding anything contained in this Regulation, be filled up by the Government appointing a person qualified to be elected and any person so appointed shall be deemed to be a councillor as if he had been duly elected

(e) When a President appointed or elected under Section 17 is not already a councillor, he shall be an additional councillor and the "one-half of the number" mentioned in clause (b) shall be exclusive of such President

[c f Mys 20]

Publication of names of councillors and Presidents in the official gazette

(4) The names of all Councillors and Presidents finally elected or appointed to any Municipal Council shall be published, as soon as conveniently may be, in the official gazette

Qualification of voters

7 Every person who has completed 21 years of age and has been residing in the Municipality for a period of not less than six months prior to the date of the election shall be entitled to vote at an election of members of the Municipal Council, unless disqualified

Disqualification of voters

8 No person shall be entitled to vote at any Municipal election, who—

(a) is not a British subject or a subject of Mysore or of any other Native State in India, or

(b) has been adjudged by a competent court to be of unsound mind

Qualification of candidates

9 Every person who is entitled to vote at a Municipal election and who is not disqualified to be a Councillor shall be qualified to be elected as a Councillor

Disqualification of Councillors

10 (1) No person may become a Councillor if—

(a) he is subject to any of the disqualifications prescribed for a voter or is a subordinate officer or servant of a Municipal Council, or

(b) he has been removed from office under Section 14, or

(c) he has been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or the offence pardoned, or

(d) he is adjudicated an insolvent, or

(e) he has been ordered to find security for good behaviour under Section 118 of the Criminal Procedure Code

Provided that the disqualification

(i) under clause (b) will cease to operate after the expiry of three years from the date of such removal,

(ii) under clause (c) will, in the case of a person sentenced to imprisonment for a term not exceeding three months, cease to operate after one year after the expiry of the sentence, and in all other cases after three years after the expiry of the sentence,

(iii) under clause (e) will cease to operate after expiry of the period during which the person is ordered to furnish security

(2) If any person, elected or nominated—

(a) is or becomes subject to any of the disqualifications mentioned in sub-section (1) or

(b) not being a President or salaried servant of the Government, absents himself during four successive moths from the meetings of the Council, except with the leave of the Council, or

(c) fails to pay any arrears of any kind due by him to the Municipal Council within three months after a special notice in this behalf is served upon him, his seat shall be deemed to be vacant

(3) If any question, dispute, or doubt arises whether any vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question, dispute, or doubt

Determination of validity of elections

11 (1) At any time within ten days after the date of the declaration of the result of an election of a Councillor or of a President under clause (d) of sub-section (2) of Section 17, any candidate who stood for election or any ten persons qualified to vote at that election may apply together with a deposit of fifty rupees as security for costs to the Munsiff within the local limits of whose jurisdiction the election has been or should have been held, for the determination of the validity of the election

Powers of Munsiff holding enquiry

(2) The Munsiff may, after such inquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside For the purpose of the said enquiry, the Munsiff may summon or enforce the attendence of witnesses and compel them to give evidence as if he were a Civil Court and he may also direct by whom the whole or any part of the costs of any such inquiry shall be paid If the costs are to be paid by the candidate whose election is contested, the whole of such costs and if the costs are to be paid by the petitioner or petitioners, such portion, if any, of the costs as is in excess of the sum paid at the time of the presentation of the application shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure The Code of Civil Procedure shall, as far as possible be followed in such enquiries An appeal shall lie to the Chief Court from the order of the Munsiff, provided it is only on a point of law and is preferred within one month from the date of such order exclusive of the time requisite for obtaining a copy of the order If the Munsiff sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh one

Declaration in case of corrupt practice by a candidate

(3) (a) The Munsiff, if satisfied that a candidate has within the meaning of sub-section (4) committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected

Scrutiny of votes and declaration in other cases

(b) If in any case to which clause (a) does not apply, the validity of an election is in dispute between two or more candidates, the Munsiff shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour, to have been duly elected

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Munsiff finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it

(4) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section,— **What is corrupt practice**

(i) who with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or,

(ii) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent or by a person who is acting under the general or special authority of such candidate with reference to the election **Candidate when deemed to have committed corrupt practice**

Explanation—"A promise of individual profit" includes a promise for the benefit of the person himself or of any one in whom he is interested It does not include a promise to vote for or against any particular municipal measure **Promise of individual profit**

(5) If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrying out the rules made under clause (*a*) of sub-section (2) of section 110 or of an irregularity or informality not corruptly caused, the Munsiff shall not set aside the election **Mere irregularities or informalities not to invalidate election.**

(6) If the Munsiff sets aside an election under clause (*a*) of sub-section (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate in that or any other municipality for a term of years not exceeding seven, and the Munsiff's decision shall be conclusive provided, however, that such person may, by an order which the Government are hereby empowered to make, if they shall think fit, in that behalf, be at any time relieved from such disqualification **Disqualification of candidate for corrupt practice**

[V. P 12 modified] 12 Except as is otherwise provided in this Regulation, councillors nominated or elected at a general election shall hold office from a date to be mentioned in the notification published under sub-section (4) of section 6 for a term of three years extensible by order of the Government to a term not exceeding in the aggregate four years, if on any occasion the Government shall think fit so to extend the same **Term of office of councillors.**

[Mys 15 A modified] 13 A Councillor may resign his office by giving notice in writing to that effect to the President and such resignation shall take effect from the date of the notice The President may resign his office as Councillor or as President by igving a notice in writing to that effect to the Deputy Commissioner If such resignation is accepted, it shall take effect from the date on which the intimation of such acceptance reaches the office of the President **Resignation of councillors and President**

[Bom Bor 27 modified] 14 The Government may, if they think fit, on the recommendation of the Municipal Council supported by at least two-thirds of the whole number of councillors remove any councillor, elected or nominated under this Regulation if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor Provided that no resolution recommending the removal of any Councillor shall be passed by the Municipal Council unless the Councillor to whom it relates has been given a **Liability of Councillors for removal from office.**

reasonable opportunity of showing cause why such recommendation should not be made

[c f Mys 18 and V P 17]

15 If any casual vacany occurs in the office of a Councillor or the President, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the Councillor or President in whose place he is elected or appointed would have held it if the vacancy had not occurred

Casual vacancies among councillors and President how to be filled up

[Mys 18 A]

16 In the event of a vacancy occuring by increasing the number of Councillors in any Municipal Council, such vacancy shall be filled up, as soon as conveniently may be by the election or appointment as the case may be, of a person thereto who shall hold office till the next general election or for such period as the Government may in this behalf notify in the official gazette

Casual vacancies by increasing the number of Councillors

17 (1) For every Municipal Council there shall be a President, and if and whenever the Municipal Council so desires, a Vice-President

Every Municipal Council to have a President and if the Municipal Council so desires, a Vice President

[Mys 23]

(2) The President may be—

(*a*) appointed by the Government by name, or

(*b*) appointed by the Government *ex-officio*, that is to say, as executing the functions of any office which the Government from time to time notify in this behalf, or

President to be appointed or elected

(*c*) If the Government so direct, elected by the councillors from among their number in accordance with such rules and conditions as may be prescribed by the Government in this behalf, or

(*d*) if the Government so direct, elected by the general body of voters subject to such rules and conditions any may be prescribed by the Government in this behalf

(3) When an office has been notified under clause (*b*) of sub-section (2), the person from time to time executing the functions of that office shall continue to be President, unless and until such notification is altered or rescinded by the Government

Effect of notification of *ex officio* President

(4) The Vice-President shall be elected by the Councillors from among their number in accordance with such rules and conditions as may be prescribed by Government in this behalf

Vice President to be elected except in special cases

Provided that the Government may, for special reasons and in the case of such Municipal Councils as they may deem fit, appoint the Vice-President by name

(5) The Government, may, for default of election, appoint the President or Vice-President

Power of Government to appoint the President or Vice President

(6) During a vacancy in the office of the President and when there is no Vice-President to take his place, the Amildar of the Taluk or the person performing the duties of the Amildar for the time being, shall exercise all the powers and perform all the duties of the President and he shall, during such period, be deemed to be a Councillor if he is not already a Councillor

Amildar to perform the duties of the President when there is no President and Vice President

(7) The term of office of the President and the Vice-President shall—

Term of President and Vice President

(*a*) be for such period not exceeding its own term as the Municipal Council may fix at the time of election, when they are elected by the Municipal Council,

(*b*) be co-terminous with or be the residue of their term of office as Councillors in other cases

Liability o President and Vice President for removal

(8) Every President and Vice-President shall be removeable from his office as such President or Vice-President by the Government for misconduct in the discharge of his duties or neglect of or incapacity to perform his duties after an opportunity is afforded for hearing him

Vacation of office by Presidents and Vice Presidents in certain cases

(9) (*a*) The President or Vice-President of a Municiapl Council shall forthwith be deemed to have vacated his office, if a resolution for his removal is passed by not less than two thirds of the whole number of councillors of the Municipal Council at a meeting specially convened in that behalf

(*b*) If any such resolution is passed but not by such a majority as aforesaid and if after an interval of not less than one month another resolution for the removal of the same President or Vice-President is passed by the Council after an interval of not less than one month, such President or Vice-President shall forthwith be deemed to have vacated his office

[Mys 23 (6) and (7)]

Consequences of absence of President or Vice President without leave and limit of leave

(10) Except in the case of salaried servant of the Government who is either an appointed or *ex-officio* President, every President who, for a period exceeding 15 days shall absent himself from the Municipality in such manner as to be unable to perform his duties as such President or Vice-President, shall cease to be President or Vice-President unless leave so to absent himself has been granted by the Deputy Commissioner, and no leave shall be granted under this sub-section for a period exceeding three months at one time

[Mys 26 (1)]

Meetings

18 (1) Every Municipal Council shall hold an ordinary general meeting in each month for the disposal of general business and the President shall fix the dates for all ordinary general meetings The President may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the whole number of Councillors and for a date not more than fifteen days after the presentation of such request call a special general meeting If the President fails to call a special gereral meeting as provided in this sub-section, the Vice-President or at least one-third of the whole number of Councillors may call for such meeting for a day not more than thirty days after the presentation of such request

(2) No business shall be transacted at any meeting of a Municipal Council unless one-third of the whole number of councillors be present If there is no quorum, the presiding authority shall adjourn the meeting to such hour on the following or some other future day as he may reasonable fix, and the business which would have been brought before the original meeting had there been a quorum thereat shall be brought before the adjourned meeting and may be disposed of at such meeting Provided that the President may in respect of urgent items of business included in the agenda and not considered for want of a quorum at the adjourned meeting assume and exercise the powers of the Municipal Council and submit a report of action taken immediately to the Deputy Commissioner

[c f Mys 26 (5)]

(3) Every meeting of the Municipal Council shall be presided over by the President, if he is present or if the President is absent, by the Vice-President If there be no President or Vice-President, such one of the councillors present as may be chosen by the meeting to be chairman for the occasion shall preside over the meeting

[c f Mys 26 (10)]

(4) All questions before a Municipal Council shall be decided by a majority of the Councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes

[Mys Dt Bd 29 (2) (g)]

(5) No councillor shall vote on, or take part in, the discussion of any matter before any meeting of theMunicipal Council, if the question is one in which apart from its general application to the public, he has any direct or indirect pecuniary interest by himself or his partner

[Mys Dt Bd 29 (2) (h)]

(6) If the presiding authority is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on, or take part in it Any Councillor may be chosen or elected to preside at the meeting during the continuance of such discussion

[Mad 28 (2)]

(7) The presiding authority shall preserve order and shall decide all points of order and procedure arising at or in connection with meetings There shall be no discussion on any point of order and the decision of the presiding authority thereon shall be final

[Kang 18 (6) modified]

(8) A minute containing the names of the councillors present, an account of the proceedings and a statement of every resolution adopted by the Municipal Council at every meeting shall be recorded in a book to be kept for the purpose and shall be signed by the presiding authority of the meeting and a copy thereof shall be submitted to the Deputy Commissioner within two days from the date of the meeting

Committees

19 Subject to such rules as may be prescribed in this behalf, the Municipal Council may appoint committees to exercise and perform any of its powers and duties

Rights and privileges of Municipal Councillors

20 (1) A councillor may call the attention of the President to any neglect in the execution of the municipal work, to any waste of municipal property, or to the wants of any locality and may suggest any improvements which he considers desirable, and may bring up any motion

(2) Every Councillor shall have the right to interpellate the President and to move resolutions on matters connected with the Municipal administration, subject to such rules as may be prescribed by the Government

[c f Mys 26 B]

(3) Every councillor shall have access during office hours to the records of the Municipal Council after giving due notice to the President, provided that the President may for reasons given in writing forbid such access

Certain Government officers entitled to attend and speak at meetings of Municipal Council

[Mys 26 (14) (a)]

21 Any officer of the Government authorised by the Government in this behalf shall, if he be not already a councillor, be entitled to attend any meeting of the Municipal Council and to address the Municipal Council on any matter under discussion affecting his Department

Vacancy not to affect proceedings

[Dt Bd 29 (5)]

22 (1) During any vacancy in a Municipal Council the continuing councillors may act as if no vacancy and occurred

Act of Municipal Councils etc not to be invalidated

[c f Dt Bd 41]

(2) No act or proceeding of a Municipal Council, Councillor or President shall be deemed to be invalid by reason only of some defect in the constitution of such Municipal Council or the election or appointment of such councillor or President, or on the ground that they or any of them were disqualified for such office, or that formal notice of the intention to hold a meeting of the Council was not duly given or by reason of such act or proceeding having been done during the period of any vacancy in the office of the President or councillor or for any other such informality

CHAPTER III

FUNCTIONS AND LIABILITIES

[C P 50 and Dt Bd 45]

Clause 23 —The functions of the Municipal Councils have been clearly defined as in the Central Provinces Act and power is taken to the Government to direct that a measure not specified expressly in sub clause (1) shall be an obligatory duty of the Municipal Council It is considered unnecessary to detail at length in sub clause (2) the discretionary duties as in the present Municipal Regulation

Obligatory duties.

23 In addition to the duties imposed on it by or under this Regulation or any other law for the time being in force, and subject to such exceptions and conditions as the Government may from time to time make or impose and by any means or measures which it is lawfully competent for the Municipal Council to use, every Municipal Council shall, so far as the funds at its disposal will permit, undertake and make reasonable provision for the following matters within the limits of the Municipality, and, when effective provision cannot otherwise be made, without these limits, namely —

(*a*) lighting public streets, places and buildings

(*b*) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Municipal Council or not, removing noxious vegetation, and abating all public nuisances,

(*c*) disposing of night soil and rubbish,

(*d*) extinguishing fires, and protecting life and property when fires occur,

(*e*) regulating or abating offensive or dangerous trades or practices,

(*f*) removing obstructions and projections in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Municipal Council or belong to the Government,

(*g*) securing or removing dangerous buildings or places,

(*h*) acquiring and maintaining, changing and regulating places for the disposal of the dead,

(*i*) constructing, altering maintaining and improving public streets, culverts, municipal boundary marks markets, slaughter-houses, latrines, privies, urinals, drains, sewers, and providing public facilities for drinking water,

(*j*) providing a supply of water, proper and sufficient to prevent danger to the health of the inhabitants and their domestic cattle,

(*k*) naming streets and numbering houses,

(*l*) registering births and deaths,

(*m*) public vaccination,

(*n*) establishing and maintaining public hospitals and dispensaries, and providing public medical relief,

(*o*) promoting the development of economic condition with special reference to Education, Agriculture and Industries and Commerce,

(*p*) preparing a list of children of compulsory age in any Municipal area where compulsory education is introduced under the Mysore Elementary Education Regulation, 1930, subject to such rules as have been or may be framed under the said Regulation

(*q*) taking such measures as may be required to prevent the outbreak, spread or recurrence of dangerous diseases

[C P 50 (2)]

(*r*) any measure likely to promote the health, safety, comfort, convenience, interest or welfare of the public not specified above when directed by the Government

Discretionary duties

(2) In addition to the duties undertaken by it under the provisions of this Regulation or of any other law for the time being in force, it shall be within the discretion of any Municipal Council to undertake and make provision

for the following matters within the limits of the Municipality, namely —

[New c f Mys 56] (a) with the previous sanction of the Deputy Commissioner, any public reception, ceremony, entertainment or exhibition within the Municipality,

(b) subject to the exceptions and conditions that may from time to time be imposed by the Government, any measure not specified in this sub-section or sub-section (1) likely to promote the health, safety, comfort, convenience, interest or welfare of the public

[C P 50 (2)] (3) Notwithstanding anything contained in sub-section (1), the Government may exempt any Municipal Council from any of the provisions of that sub-section or may declare that in regard to any Municipal Council any of the duties specified in that sub-section shall be deemed to be discretionary duties within the meaning of sub-section (2)

[Dt Bd 42 and V P 4 2 (2)] 24 Subject to the rules prescribed, every Municipal Council shall have power to acquire and hold property, both movable and immovable, whether within or without the limits of the Municipality, and to enter into contracts for all or any of the purposes of this Regulation

Power of Municipal Council to acquire and hold property and to contract

Provided that nothing in this Section shall empower any Municipal Council to raise loans except as provided for in section 52 and without the previous sanction of the Government

[C P. 40] 25 When any land, whether within or without the limits of the Municipality, is required for the purposes of this Regulation, the Government may, at the request of the Municipal Council, proceed to acquire it under the provisions of the Land Acquisition Regulation, 1894, and on payment by the Municipal Council of the compensation awarded under that Regulation and of any other charges incurred by the Government in connection with the acquisition, the land shall vest in the Municipal Council

Acquisition of land

[Mad 13] 26 The President of the Municipal Council shall—

Functions of the President

(a) convene the meetings of the Municipal Council,

(b) carry into effect the resolutions of the Municipal Council,

(c) furnish to the Municipal Council such periodical reports regarding the progress made in carrying out its resolutions and in the collection of taxes as it may direct,

(d) perform all the duties and exercise all the powers specifically imposed or conferred on the President by this Regulation or the rules thereunder and subject, whenever it is expressly so provided, to the sanction of the Municipal Council, and subject to all other restrictions, limitations and conditions imposed, exercise the executive power for the purpose of carrying out the provisions of this Regulation, and be directly responsible for the due fulfilment of the purposes of this Regulation

27 (1) Notwithstanding anything contained in Section 13 of the Mysore Land Revenue Code in regard to the Amildar who may be *ex-officio* President of a Municipal Council, it shall be the duty of the Vice-President of a Municipal Council to exercise such of the powers and perform such of the duties of the President as the President deputes to him in accordance with general or special rules or orders of the Government issued in this behalf

Functions of the Vice President

(2) Pending the succession, appointment or election of a President, or during the absence of a President on leave, the Vice-President shall exercise the powers and perform the duties of the President

[Mys 37 modified]

28 Any powers or duties or executive functions which may be exercised or performed by or on behalf of the Municipal Council may, subject to the conditions and limitations that may be imposed by the Municipal Council, be delegated to the President or to one or more stipendiary or honorary officers, but without prejudice to any powers that may be exercised or may have been conferred on the President and each person who exercises any power or performs any duty or function so delegated may be paid all expenses necessarily incurred by him therein

Powers, duties and functions may be delegated to President, etc , which expenses may be [illegible] the municipal fund

[V P Rule 23 issued under notification No L 3606—L B 26-26 10 of 3 12 26]

29 (1) The President or Assessor appointed under Section 66 may summon any person in the Municipality either to give evidence or to produce or cause the production of documents, in respect of any question relating to taxation or to the grant of any license or permission under this Regulation, as the case may be, and such person shall obey such summons, unless prevented from doing so for sufficient reasons

Powers of President or Assessor, to summon etc

(2) Every summons for the attendance of a person to give evidence or to produce a document shall specify the time and place at which he is required to attend and also whether his attendance is required for the purpose of giving evidence or to produce a document or for both and any particular document which the person summoned is called on to produce shall be described in the summons with reasonable accuracy

[V P 34 and Dt Bd 89]

30 (1) Every Municipal Council shall employ such officers and servants as are necessary for the efficient carrying out of the purposes of this Regulation and shall give them such pay, allowances, gratuities and pensions as may be prescribed

Municipal establishment

[Dt Bd 90]

(2) The recruitment, pay, leave, punishment, transfer, pensions, gratuities, leave, absentee and travelling allowances, and all other matters relating to the officers and servants of Municipal Councils shall be regulated by the rules prescribed or the special or general orders of the Government in this behalf

[Bom Bor 56 and Mad 122]

31 (1) Every Assessor and his assistants and subordinates and every Auditor, President, Councillor, Municipal Officer or servant, and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessee shall be deemed to be a public servant whthin the meaning of section 21 of the Indian Penal Code

Municipal Councillors, etc to be public servants

(2) The word " Government" in the definition of ' legal remuneration" in Section 161 of that Code shall, for the purposes of sub section (1) of this section, be deemed to include a Municipal Council

[Dt Bd 37]

32 (1) (*a*) Except as is otherwise provided in this Regulation, no President or Councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of the Municipal Council in exercise of the powers vested in him under the provisions of this Regulation , the Municipal fund at the disposal of each Municipal Council shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses

Municipal Fund ordinarily liable for all costs and expenses incurred

[Mad 353 (1) and Dt Bd 37]

(*b*) Provided that any President or Councillor shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the Municipal Council if such loss, waste or misapplication is a direct consequence of his neglect or misconduct, and in such cases the Deputy Commissioner may, after giving the President or Councillor a sufficient opportunity for showing cause to the contrary, by order in writing direct him to pay to the Municipal

Liability of President and Councillors, for loss waste or misapplication

Council before a date fixed, the amount required to reimburse it for the loss, waste or misapplication and if he fails to do so, a suit for compensation may be instituted against him by the Deputy Commissioner at the cost of the Municipal Council or with the sanction of the Deputy Commissioner, by the Municipal Council

[New cf Mad 353 (2)]

(2) No such suit shall commence after the expiry of three years from the date on which the cause of action arose Provided that in computing the period of three years, the period between the date of the order to pay and the date fixed for payment shall be excluded

[C P 49 (5)]

(3) A suit instituted under subsection (1) shall not be subject to the provisions of sub-sections (1) and (2) of section 33

[C P 48 and Dt Bd 106]

Clause 33 —Under Section 167 of the present Municipal Regulation only one months' notice is necessary for commencing any suit against any Municipal Council, officer or servant As in the District Boards and Village Panchayet Regulations, notice of two months is provided for in the Bill

Institution of legal proceedings against Municipal Council, Councillor Officer servant or agent and bar of certain suits

33 (1) No suit shall be instituted against any Municipal Council, or any President, Councillor, officer, or servant thereof or any person acting under the direction of any such Municipal Council, Councillor, officer or servant for anything done or purporting to be done under this Regulation, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims has been, in the case of a Municipal Council, delivered or left at its office, and, in the case of any such President, Councillor, officer, or servant, or person as aforesaid, delivered to him or left at his office or usual place of abode , and the plaint shall contain a statement that such notice has been so delivered or left

(2) Every such suit shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto, be dismissed if it is not instituted within six months after the accrual of the alleged cause of action

(3) Nothing in this Section shall be deemed to apply to any suit instituted under Section 54 of the Specific Relief Act, 1877

[C P 47]

(4) No suit shall be maintainable against any Municipal Council, or any President, Councillor, officer or servant thereof, or any person acting under the direction of any such Municipal Council, President, officer or servant in respect of anything lawfully and in good faith done under this Regulation or any rule made thereunder

[Mys 165]

Powers to compromise suits and claims

34 (1) The Municipal Council or the President of the Municipal Council may compound or compromise in respect of any suit instituted by or against it or in respect of any claim or demand arising out of any contract entered into under this Regulation, for such sum of money or other compensation as shall be deemed sufficient ,

Provided that if any sanction in the making of any contract is required by or under this Regulation or the rules thereunder, the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract

(2) The Municipal Council or the President with the approval of the Municipal Council, may make compensation out of the Municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the Municipal Council, the President and the officers and servants of the Municipal Council under this Regulation or the rules thereunder

CHAPTER IV

CONTROL

[V P 43]

35 (1) The Government shall be the chief controlling authority in respect of all matters relating to the administration of minor Municipalities

Chief controlling authority.

[New cf V P 44]

Clause 35—The Government is made the chief controlling authority in respect of all matters relating to the administration of Minor Municipalities and subject to the control of the Government, the Deputy Commissioner, and subject to the control of the Government and the Deputy Commissioner, the Assistant Commissioners are empowered to exercise the powers in respect of supervision and control over Municipal Councils Provision has been made for conferring on the holder of any alienated village constituted as a Municipality all or any of the powers of the Assistant Commissioner or the Deputy Commissioner

(2) Subject to the general control of the Government and of the Deputy Commissioner of the District, the Assistant Commissioner in charge of the Taluk in which the Municipality is situated, and, in the absence of such an officer, the Deputy Commissioner of the District subject to the control of the Government, shall exercise general powers of inspection, supervision and control over the Municipal Councils within his jurisdiction

Provided that nothing in this sub section shall be deemed to authorise any Assistant Commissioner to act under section 45

Provided further that the Government may confer on the holder of any alienated village which is constituted as a Municipality under this Regulation all or any of the powers of an Assistant Commissioner or Deputy Commissioner under this Regulation

[cf Dt Bd 91 and cal 19]

36 The Government or the Deputy Commissioner may, by order in writing annul or amend any proceedings or resolution of a Municipal Council which they or he may consider to be not in conformity with the provisions of this Regulation or any other law or order in force, and may do all things necessary to secure such conformity

Power of Government and Deputy Commissioner to annul or amend proceedings of Municipal Council

[cf Mad 34]

37 (1) The Assistant Commissioner or the Deputy Commissioner may enter on and inspect or cause to be entered on and inspected any immovable property or any work in progress under the control of the President or the Municipal Council in his jurisdiction

Powers of Assistant Commissioner and Deputy Commissioner and the Government for purpose of control.

(2) The Government, the Deputy Commissioner or the Assistant Commissioner may,

(*a*) call for any record, correspondence, plan, or other document in the possession or under the control of any Municipal Council,

(*b*) require any Municipal Council to furnish any return, plan, estimate, statement, account or statistics,

(*c*) require any Municipal Council to furnish any information or report on any Municipal matter,

(*d*) record in writing, for the consideration of the Municipal Council, any observations which they or he may think proper in regard to the proceedings or duties of the President or the Municipal Council

[Mys 173 A modified]

38 Subject to the rules prescribed, the Deputy Commissioner or the Assistant Commissioner shall have power to inspect the office of any Municipal Council in his jurisdiction and to call for any record, correspondence, plan or document in the possession or under the control of such Municipal Council or its President and deal with any case under Section 36 or submit it for such orders as the Government may deem fit to pass

Inspection of Municipal Offices

[P S T 47]

39 The Deputy Commissioner may, by order in writing, suspend the execution of any resolution or order of a Municipal Council if in his opinion such resolution or order is in excess of the powers conferred on the Municipal Council by law or if the execution of such resolution or order is likely

Power to suspend action of the Municipal Council

to lead to a breach of the peace or to cause injury or annoyance to the public or any class or body of persons

[cf P S T 48]

Power to provide for the performance of duties or works in case of default or in case of emergency

40 In cases of persistent neglect or refusal on the part of the Municipal Council to perform any prescribed duty, the Deputy Commissioner or, in cases of emergency, the Deputy Commissioner or the Assistant Commissioner may perform or cause to be performed such duty or any work which the Municipal Council is empowered to execute or perform, as the case may be, and anything done by the Deputy Commissioner or the Assistant Commissioner in exercise of the powers conferred by this section shall be deemed to have been done by the Municipal Council and the expenses incurred therefor shall be paid out of the Municipal Fund

[Mys 176 modified]

Special provisions in regard to works executed by the Government

41 (1) Notwithstanding anything contained in this Regulation, the Government may at any time-

(*a*) construct any work of a permanent nature which, in the opinion of the Government, is necessary or desirable for the health, safety or convenience of the inhabitants of a Municipality, whether it be within the Municipality or without it wholly or in part

(*b*) retain the management and maintenance of any such work or entrust the same in whole or in part to the Municipal Council, or resume the same from the Municipal Council,

(*c*) recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the Municipal fund or from the proceeds of any tax or taxes imposed under this Regulation

(2) It shall be the duty of any person who for the time being has custody of any moneys on behalf of any Municipal Council, to pay, from such moneys as he may have in his hands or may from time to time receive, all amounts directed by the Government to be paid by the Municipal Council under clause (c) of sub-section (1)

[C F Mys 179]

Dissolution of Municipal Council and appointment of Commissioner or Commissioners to exercise the powers of the Municipal Council

42 If in the opinion of the Government a Municipal Council presistently makes default in the performance of the duties imposed on it or exceeds or abuses its powers, or in cases of proved mal-administration of a Council as provided in Section 43, the Government may by an order published with the reasons for making it in the official Gazette, declare the Municipal Council to be dissolved

(2) On the dissolution of a Municipal Council, all Councillors of the Municipal Council shall from the date specified in the notification vacate their seats and in place of the Municipal Council the Government shall appoint one or more persons as Commissioners who shall hold office for such period as the Government from time to time determine and may, subject to the orders of the Government in this behalf, during that period exercise all the powers and perform all the duties of the Municipal Council and the President under this Regulation

(3) All properties, assets, rights and liabilities of the Municipal Council existing at the time of their appointment shall devolve on the said Commissioner or Commissioners during their term of office

[cf Mys 176 A]

Government inquiry into Municipal matters

43 (1) The Government may order an inquiry to be held by any officer appointed by them in this behalf into any matters concerning the Municipal administration of any Municipal area or any complaint from not less than one-half of the rate payers in a Municipality against the administration by the Municipal Council or any matters with respect to which the sanction, approval or consent of the

Government is required under this Regulation or the rules made thereunder

Explanation —For the purposes of this Section and of Section 56, the word "rate-payers" means persons assessed to taxes specified in clauses (*b*) to (*g*) of Sub-section (1) of Section 61

(2) The officer holding such inquiry shall, for the purpose thereof, have the powers which are vested in a Court under the Code of Civil Procedure in respect of the following matters —

(*a*) discovery and inspection,

(*b*) enforcing the attendance of witnesses and requiring the deposit of their expenses,

(*c*) compelling the production of documents,

(*d*) examining witnesses on oath,

(*e*) granting adjournments,

(*f*) reception of evidence taken on affidavit, and

(*g*) issuing commissions for the examination of witnesses ,

and may summon and examine *suo motu* any person whose evidence appears to him to be material , and shall be deemed to be a Civil Court within the meaning of Sections 480 and 482 of the Code of Criminal Procedure, Regulation II of 1904

Explanation—For the purpose of enforcing the attendance of witnesses, the local limits of such officer's jurisdiction shall be the limits of the Mysore State

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are to be paid, and to allow interest on costs at a rate not exceeding six per-cent per annum , and such costs and interest shall be leviable as an arrear of land revenue

[c f Mad 38]

Appointment of Inspectors

44 (1) The Government may appoint such Inspectors as may be required for the purpose of inspecting or superintending the operations of all or any of the Municipal Councils constituted under this Regulation

Clause 44 —Power is taken to appoint Inspectors for the purpose of inspecting or supervising the operations of Municipal Councils

(2) All institutions maintained in whole or in part by any Municipal Council and all registers, books, accounts and other documents relating thereto shall at all times be open to the inspection of the Inspectors appointed under sub-section (1) and Municipal authorities and Municiapl officers and servants shall afford to Inspectors such access at all reasonable times to Municipal property or premises and to all records, accounts and other documents which, subject to the rules prescribed, they may consider to be necessary to enable them to discharge their duty of inspection and superintendence

[c f Mys 179A]

Disputes

45 (1) If any dispute for the decision of which this Regulation does not otherwise provide exists between a Minor Municipal Council and one or more other local authorities in regard to any matters arising under the provisions of this Regulation or any other law and the dispute is not amicably settled,

(*a*) the Deputy Commissioner may take cognizance of the dispute and decide it himself, if it is bewteen two or more Minor or Town Municipal Councils in the same district or between a Minor Municipal Council and a Village Panchayet in the same district, and

(b) in all other cases, the matter ahall be referred to the Government who may take cognizance of the dispute and the diecision of the Government shall be final

[New.]

(2) No suit shall be entertained by a Civil Court in respect of any dispute referred to in sub-section (1)

[New c f V P 55]

46 (1) Save as otherwise provided for in this Regulation or in the rules prescribed, an appeal shall lie from an order of— **Appeals**

Clause 46 —Provision has been made for appeals from orders of (1) the President to the Municipal Council, (2) the Assessor to the Assistant Commissioner, and (3) the Assistant Commissioner to the Deputy Commissioner Appeals to Government are restricted to 3 classes of cases namely —

(1) Suspension of the execution of resolutions or orders of Municipal Council (clause 39)

(2) Providing for performance of duties of Municipal Council in case of default or emergency (clause 40.)

(3) Decision of Deputy Commissioner in cases of disputes among local authorities (clause 45)

(a) the President to the Municipal Council,

(b) the Assessor in respect of assessment of properties to the Assistant Commissioner ,

(c) the Assistant Commissioner, to the Deputy Commissioner ,

and shall be preferred within thirty days of the date of publication or communication of the order The decision of the Deputy Commissioner shall be final

(2) An appeal shall lie to the Government from an order of the Deputy Commissioner under sections 39, 40 and 45 and shall be preferred within thirty days of the date of publication or communication of the order and the decision of the Government shall be final

CHAPTER V

Property and Finance

[Bom Bor 63 (2)]

47 (1) All property of the nature specified in the clauses to this sub-section, not being specially reserved by the Government, shall be vested in and belong to the Municipal Council, and shall together with all other property of what nature or kind soever, which may become vested in the Municipal Council, be under its direction, management and control, and shall be held and applied by it as turstee, subject to the provisions and for the purposes of this Regulation — **Property vested in the Municipal Council**

(a) All public town-halls, gates, markets, slaughter-houses, manure and night-soil depots and public buildings of every description

(b) All public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water works, and all brdiges, buildings, engines, works, materials and things connected with or appertaining to such water works, and also any adjacent land, not being private property, appertaining to any public tank or well

(c) All public sewers and drains, all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto , all dust, dirt, dung, ashes, refuse, animal matter, filth or rubbish of any kind collected by the Municipal Council from the streets, houses, privies, sewers, cesspools or elsewhere

(d) All public lamps, lamp-posts, apparatus connected therewith, or appeartaining thereto

(e) All lands transferred to it by the Government, or by gift or otherwise, for local public purposes

(*f*) All public streets and the pavements, stones and other materials thereof and also all trees, erections, materials, and implements provided for such streets

[Mys 50 (3)]

(2) It shall be competent to the Government from time to time by notification, to resume any property vested or vesting in the Municipal Council under this section on such terms as the Government may determine

Power of Government to resume property

[Mys 58]

48 (1) The management, control and administration of every public institution exclusively maintained out of Municipal property and funds shall vest in the Municipal Council by which it is maintained

Management of public institutions maintained by Municipal Councils to vest in them.

[Mys 58A]

(2) The extent of the independent authority of any Municipal Council in respect of economic development with reference to Education, Agriculture and Industries and Commerce and its relations with the Local Boards and other departments of the Government shall from time to time be prescribed by the Government

49 (1) There shall be in each Municipality a fund which shall be called the Municipal Fund, and it shall be administered by the Municipal Council

Municipal Fund, its custody and investment.

[c f Dt Bd 62]

(2) It shall be lawful for a Municipal Council to deposit at interest with the Mysore Government Savings Bank or in any other Bank approved by the Government any surplus funds in its hands which may not be required for current charges, and with the sanction of the Government, invest such funds in public securities and vary such investment or dispose of such securities with the like sanction

[c f P S T 17]

(3) The Municipal Fund over and above what is invested as provided for in sub-section (2) shall be kept in the Government Treasury of the taluk in which the Municipality is situated or *in any Bank approved* by the Government in this behalf

50 The following shall form part of or be paid into the Municipal Fund —

Constitution of the Municipal Fund

[C P 61 Mys 51 and Dt Bd 63]

(*a*) all taxes, fines, fees, penalties and costs paid to or levied by or on behalf of the Municipal Council under this Regulation and all fines imposed by a Magistrate under this Regulation or the rules thereunder

(*b*) all rents or income from lands or other properties of the Municipal Council

(*c*) all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise

(*d*) all proceeds of land and other property sold by the Municipal Council, and

(*e*) all sums received by or on behalf of the Municipal Council by virtue of this Regulation or any other law

[c f C P 63]

Clause 51 —Power is reserved to the Government to direct that the expenditure on any specified purpose is in the public interest and may be charged to the Municipal Fund *Vide* clause 23 also

51 The Municipal fund shall be applicable only to the payment of charges and expenses incidental to the several matters specified in Section 23, to all other purposes for which, by or under this Regulation or any other law for the time being in force, powers are conferred or duties imposed upon the Municipal Council and with the previous sanction of the Government, to any other purpose whereon the expenditure of the Municipal fund is in the public interests

Application of Municipal Fund

[c f Dt Bd 72]

52 It shall be lawful for a Municipal Council, with the previous sanction of the Government and subject to the conditions imposed by them from time to time, to raise loans for the execution of any work or for the purpose of carrying out any of the provisions of this Regulation, and to form a sinking fund for the repayment of such loans

Municipal Council may raise loans and form a sinking fund.

[c f Dt Bd 74 and Mys 57]

53 Subject to the rules prescribed, a Municipal Council may make grants-in-aid to any medical, veterinary, educational or charitable institution or any other institution or object of public utility within or without the area under its authority, whether it be under public or private management, *or may vary or cancel such grant*

Contribution to expenditure incurred by the Government and power to make grant in aid

[New]

54. (1) The Municipal Council shall maintain accounts of the Municipal fund in such forms as the Government may from time to time prescribe in this behalf

(2) The Municipal accounts shall, from time to time and once in every year at the least, be audited by a Government Auditor and also by such other agency, if any, as may be prescribed by the Government

Maintenance and audit of accounts

[c f Mad Sch IV—Rule 57 and Cal 121]

Clause 55 —The Government Auditor is given power to get the required information for audit purposes

55 The Government Auditor may—

(*a*) by written *requisition* require the production before him of any document which he may consider necessary for the proper conduct of his audit ,

(*b*) by written requisition require any person accountable for, or having the custody or control of, any such document to appear in person before him , and

(*c*) require any person so appearing before him to make and sign a declaration with respect to such document or to answer any quesition or prepare and submit any statement

Power of Government Auditor

[Madras 303 (2) (i)]

56 Subject to such rules and conditions as may be prescribed by the Government, the rate payers in any Municipality may appear before the Government Auditor, inspect books and vouchers and take exception to items entered in the Municipal accounts or omitted therefrom

Right of rate payers to inspect accounts, etc

57 (1) The Government Auditor shall—

(*a*) report to the Municipal Council any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the Municipal Council or in the Municipal accounts ,

(*b*) report to the Municipal Council any loss or waste of money or other property owned by or vested in the Municipal Council caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste , and

(*c*) as soon as may be after the completion of the audit, deliver to the Municipal Council a report upon the audit of the Municipal accounts

(2) The Municipal Council shall forthwith remedy any defects or irregularities that may be pointed out by the auditor

(3) In case there is a difference of opinion between the Municipal Council and the Government Auditor, the Municipal Council shall report the action which it proposes to take to Government who may pass such orders as they deem fit

Duties of Government Auditor

[c f Cal 122 and Madras Sch IV Rules 58 and 59]

[Cal Sec 123]

[Mad Sch IV Rule 60]

58 (1) The Government Auditor shall disallow every item contrary to law and report the same to the Deputy Commissioner with particulars as regards the person making, or authorising the making of, the illegal payment

(2) The Deputy Commissioner may on receipt of the report pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person

(3) The Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and

Surcharge

furnish a copy thereof to the person against whom it is made

c.f Madras Sch IV 61]

59 Any person aggrieved by the order of the Deputy Commissioner under the last preceeding section may, within one month after he has received or been served with the decision of the Deputy Commissioner, apply to the principal civil court of original jurisdiction to set aside such charge and the court, after taking such evidence as is necessary may confirm, modify or remit such charge with such orders as to costs as it may think proper in the circumstances, or in lieu of such appliation any person so aggrieved may appeal to the Government who shall pass such orders as they think fit

Appeal from order of surcharge

[c f Mad Sch IV Rule 62]

60 Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the Municipal Council within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision, and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable on an application made by the Municipal Council to the court in the same way as an amount decreed by the court

Recovery of amount surcharge

CHAPTER VI

TAXATION AND RECOVERY OF DUES

[c f Mys 59 and C P 66]

Clause 61 —Provision is made for the levy of terminal taxes when octroi is not levied

61 (1) The Municipal Council may, from time to time subject to the provisions of this chapter and the rules prescribed, impose in the whole or in any part of the Municipality all or any of the following taxes for the purposes of this Regulation, namely —

Taxes and fees which a Municipal Council may levy

(*a*) (i) an octroi on animals or goods or both brought within the limits of the Municipality for consumption or use within those limits,

(ii) with the sanction of the Government and if octroi is not levied, a terminal tax on goods or animals or both, imported into or exported from the limits of the Municipality,

(*b*) a tax payable by the owners of buildings or lands or both situated within the limits of the Municipality,

(*c*) a lighting-tax payable by the owners of buildings or lands or both where the lighting of public streets, places and buildings is undertaken by the Municipal Council,

(*d*) a water-tax where water is supplied by the Municipal Council,

(*e*) a special sanitary cess upon private latrines, premises, or compounds cleansed by Municipal agency,

(*f*) a tax on shops and other places where a business or profession is carried on, payable by the person or persons engaged in the business or profession,

(*g*) a tax payable by the owner on all or any vehicles or animals used for riding, driving, draught or burden kept within the Municipality for use,

(*h*) with the sanction of the Government, a toll on vehicles and animals used as aforesaid entering the Municipality but not liable to taxation under clause (*g*) of this sub-section,

(*i*) fees—

(i) for exposing goods for sale in any market or place belonging to or under the control of the Municipal Council or the Government,

(ii) for licenses and permissions issued under this Regulation, and

(iii) for the use of municipal slaughter-houses

[New]

62 In addition to or in lieu of any of the foregoing taxes, the Municipal Council may levy with the approval of the Government and subject to such rules as may be prescribed in this behalf, any other tax or fee which may be convenient and suitable to the inhabitants of the Municipality

Power of Municipal Council to levy other taxes and fees

[New V. P. 36 (2) and Mys 59]

63 The rates or amounts of taxes and fees shall not exceed the maxima that may be prescribed or those that the Government may in any special case by order direct,

Provided that

(a) the rate of special sanitary cess shall be so fixed that the total proceeds from the cess shall not exceed the amount required for cleansing private latrines or compounds by manual labour or for conducting or receiving the sewage thereof into Municipal sewers,

(b) the rate of the water tax shall be so regulated that the total proceeds of the tax with the estimated income from payments for water supplied from the works under special contracts, if any, shall not exceed the amount required for the annual maintenance of water supply works and for the repayment with interest of the capital outlay thereon in such number of years as the Municipal Council may fix with the approval of the Government

Rates of taxes and fees

64 The Municipal Council may, subject to the rules prescribed in this behalf and subject to the control of the Government and to the provisions of sections 74 and 75,

(a) abolish any tax or fee and within the limits imposed under Section 63, vary the amount or rate of any such tax or fee, and

(b) suspend the operation of any tax or fee within any part of the municipality for any specified period

Abolition and suspension of taxes and fees or variation of rates

65 Subject to the rules prescribed in this behalf, the Municipal Council may—

(a) exempt in whole or in part from the payment of any tax or fee any person or class of persons or any property or animal or description of property or animal,

(b) remit the amount of any tax, fee or other due or to refund the same if it has been already collected, and

(c) write off any irrecoverable amount of tax, fee or other due

Exemptions, remissions and writes off

[New]

66 (1) The taxes imposed in the form of a rate on buildings or lands or both in Municipalities shall be assessed in accordance with the rules prescribed and the rates determined by the Municipal Councils concerned, by the Assessor of the district who shall be an officer not below the rank of an Amildar appointed by the Government in this behalf

(2) The assessor shall also conduct the revenue audit of the Municipalities in the district

(3) Every Municipal Council in the district shall contribute towards the pay and allowances of the Assessor and his establishment and the maintenance of his office in proportion to its annual normal income

Appointment of an assessor for assessing taxes imposed in the form of a rate on buildings and lands and conducting the revenue audit of the Municipalities in the district

[C P 75]

67 (1) No assessment and no charge or demand of any tax or fee made under the authority of this Regulation shall be invalid by reason of any clerical error or other defect of form, and when any property is described for the purpose of assessing any such tax or fee, it shall be sufficient to describe it so that it shall be generally known, and it shall not be necessary to name the owner or occupier

Assessment not invalid for defect of form

[C P. 84 (3)]

(2) No objection shall be taken to any valuation, assessment or levy, nor shall the liability of any person to be assessed or taxed be questioned in any other manner or

Bar of other proceedings

by any other authority than is provided in this Regulation or in the rules prescribed in this behalf

[New c f Minor Municipal Taxation Rule 33]

Compounding for payment of octroi

68 The Municipal Council may compound for a period not exceeding one year at a time with any merchant, in lieu of the payment of octroi on all or any of the articles according to the rates for the time being in force, for a lump sum which is based on the average of the duty levied from him on account of such article or articles during the past three years and which should be paid quarterly or half-yearly provided that the amount charged shall however be fixed with due regard to the extent of trade carried on by the merchant in the article or articles concerned

Clause 69 —Municipal Councils are empowered to compound for the payment of toll

[New c f Dist Bd 66 (2)

Compounding for payment of tolls.

69 The President may compound for a period not exceeding one year at a time, with any person for a sum to be fixed in accordance with a scale approved by the Municipal Council and to be paid in advance monthly or quarterly or half-yearly in lieu of all tolls payable in respect of any vehicle or animal belonging to such person and issue a pass for the free admittance of the vehicle or animal into the limits of the Municipality, provided that the sum charged shall not be less than one-half of the amount which such person would have been liable to pay if the vehicle or animal had to pay toll once every day during the period for which the pass is issued

[New c f Mys 70 (3) and 81 A]

Farming of tolls and fees

70 The Municipal Council may lease the collection of tolls and fees imposed under clause (H) and sub-clauses (i) and (iii) of clause (i) of sub-section (1) of Section 61 annually on such conditions as may be approved by the Municipal Council

[Mysore 87]

Liability of land, building etc , for taxes

71 (1) All sums due on account of taxes imposed in the form of a tax on buildings or lands, or on both, shall subject to prior payment of land revenue, if any, due to the Government thereupon, be a first charge upon the building or land in respect of which such tax is payable, and upon the movable property, if any, found within or upon such building or land and belonging to the person liable for such tax or taxes

[C P 81]

Right of occupier to recover from owner

(2) Any tax or sum leviable under this Reuglation from the owner may be recovered from the occupier, and in such case such occupier shall, in the absence of any contract to the contrary, be entitled to recover the same from the owner and may deduct the same from any rent then or thereafter due by him to the owner

(3) No sum shall under sub-sections (1) and (2) be recoverable from any occupier who is not the owner if it has been due for more than one year or for a period during which such occupier was not in occupation

[Mys 166]

Assistance for the recovery of rent on land.

72 For the purpose of the recovery of any amount due on account of rent from any person to a Municipal Council in respect of any land vested in such Municipal Council, the Municipal Council shall be deemed to be a superior holder, and every such person an inferior holder, of such land, within the meaning of sections 97 and 98 of the Mysore Land Revenue Code, 1888, and the Municipal Council, as superior holder, shall be entitled for the recovery of every such amount, to all the assistance to which under the said sections a superior holder is entitled for the recovery of rent or land revenue payable to him by an inferior holder

[New]

Recovery of dues

73 (1) The amount of taxes, fees, costs and other dues under this Regulation shall be paid and recovered in such manner as may be prescribed

[Mys 162]

Distress lawful though defective in form

(2) No distress levied by virtue of this Regulation shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or

want of form in any summons, conviction or warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction

[Mys 161 B] (3) No distraint shall be made in respect of any sum due to the Municipal Council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made in respect of such sum **Limitation of distraint**

[Mys 73] 74 If it shall at any time appear to the Government, on complaint made or otherwise, that any tax leviable by a Municipal Council is unfair in its incidence, or that the levy thereof or of any part thereof is obnoxious to the interests of the general public, the Government may require the said Municipal Council, within such period as they shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if within the period so fixed such requirements shall not be carried into effect to the satisfaction of the Government, they may by notification in the official Gazette, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed **Power of Government to suspend or prohibit levy of objectionable taxes**

The Government may, at any time, by a like notification, rescind any such suspension

[Mys 74 and V P 38 modified] 75 Whenever it appears to the Government that the regular income of any Municipal Council falls below what is necessary for the proper discharge of its duties, or that the balance of the Municipal fund of any Municipal Council is insufficient for meeting the expenditure incurred under Sections 40 and 41, the Government may by notification require the Municipal Council to impose in the Municipality any tax which may be imposed under Section 61 and which is not at the time imposed in the said Municipality or to enhance the rates of any of the existing taxes in such manner or to such extent as the Government consider fit, and the Municipal Council shall forthwith proceed to impose the tax or enhance the rates of the taxes in accordance with the requisition **Special Powers of Government with regard to taxation**

Provided that—

(*a*) the Government shall take into consideration any objection which the Municipal Council or any inhabitant of the Municipality may within thirty days of the notification make against the imposition of such tax or enhancement of the rates of taxes and the orders of the Government shall be final

(*b*) it shall not be lawful for the Municipal Council to abolish the tax or to reduce the rates of taxes when imposed under this sub-section

[Cf Mys 89] 76 For all sums paid to a Municipal Council on account of any tax, fee or other due under this Regulation, a receipt stating the amount and the tax, fee or other due on account of which it has been paid, shall be tendered by the person receiving the same **Receipts to be given for all payments**

CHAPTER VII

Powers, offences and penalties

[V P 27] 77 The Municipal Council shall have power to do all acts necessary for and incidental to the carrying out of the functions devolving on it, and in particular and without prejudice to the foregoing power, to exercise the powers expressly specified in this Regulation or the rules thereunder **General power of Municipal Council**

[Bom Bor 197]

78 It shall be lawful for the President or for any person authorised by the Pr s dent or the Municipal Council for such purpose, to enter, for any purpose of this Regulation, between sunrise and sunset, with such assistants as he may deem necessary, into and upon any building or land

Powers of entry and inspection

Provided that, except when otherwise provided in this Regulation or the rules thereunder, no building or land which may be occupied at the time shall be entered except with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier

Provided also that in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupier

79 The President may close temporarily any street or any part thereof for any public purpose

Power of President to temporarily close streets

[P S T 40 and C P 203]

80 (1) The President may cause to be attached to the outside of any building brackets for lamps or name plates of streets and may cause a number to be affixed to every house in the Municipality for the purpose of identifying it

Power to attach brackets for lamps name—plates of streets etc

(2) No person shall without the authority of the President, distrub, deface or destroy any bracket, name-plate or number attached or affixed under sub-section (1) or any direction—post or lamp-post or extinguish any light maintained by the Municipal Council in any street or public place

[Mys 113 (1)]

81 (1) The President may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof, at such height from the surface of the street as the Municipal Council may fix from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall and may prescribe the extent to which, and the conditions under which roofs, eaves, weather-boards, shopboards and the like may be allowed to project over such streets

Permission necessary for certain projections

[Mys 113 (3)]

(2) The President may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a municipality, shall have been erected or placed against or in front of such building, and which

Removal of projections

(*a*) overhangs or juts into, or in any way, projects or encroaches upon any public street, so as to be an obstruction to safe and convenient passage along such street, or which

(*b*) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof

Provided always that the President shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a Municipality, or after such date with the written permission of the President, make reasonable compensation to every person who suffers damage by such removal or alteration

[c f Mys 122 (1)]

82 (1) No person shall without the written permission of the President have built or set up or shall build or set up any wall or any fence, rail, post, stall, verandah, platform, plinth, or any projecting structure or thing, or other encroachment or obstruction in any public street,

Obstructions and encroachments upon public streets and open spaces

except steps over drains or, shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, sewer, or aqueduct in such street

[Mys 122 (2)] (2) The President shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the Municipal Council or not, provided that if the space be vested in Government, the permission of the Deputy Commissioner shall have first been obtained, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment

[Mys 122 (4)] (3) Nothing contained in this section shall prevent the President from allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than *seven days*, and in such manner as not to inconvenience the public or any individual

[Mys 122 (5)] (4) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 81 or in any case where permission has been given under sub-section (3) of this section

Control of erection of buildings

83 (1) Subject to the provisions of sub-section (3), of this section, no person shall erect any building or alter or add to any existing building or re-construct any building without the written permission of the President

[New c f Mys 96, and V P 29] (2) Such permission shall not be refused except for the reason of the site being unsuited on sanitary grounds or for the reason that the building is unsuited for a factory if the building is intended for such use

(3) Such permission shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of an application in that behalf in writing Provided that nothing in this sub-section shall authorise any person to build in contravention of any other provisions of this Regulation or the rules thereunder

[Mys 95] (4) No building shall be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the Municipal Council, or into some stream or river, or some cesspool or other suitable place which may be approved of by the President

[Mys 96 (2) and 95 A] (5) The President in granting permission to build, may impose in writing such conditions as to level, drainage, sanitation or ventilation, or with reference to the location of the building in relation to the existing building or street, existing or projected, and may require in any locality approved by the Government in this behalf, that any building, used or intended to be used as a warehouse for the storage of grain, shall be protected or erected so as to render such building rat-proof and the Municipal Council may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building

[V P 29 (2)] (6) Whenever a building is erected, altered, added to or re-constructed without the permission of the President or in any manner contrary to the conditions imposed by the permission or the provisions of this Regulation or the rules thereunder, the President may, by written notice—

(*a*) direct that the building, alteration or addition be stopped, or

(*b*) require such building, alteration or addition to be altered or demolished as he may deem necessary or

(c) withdraw the permission.

Power with regard to huts, privies etc

84 If it appears necessary to improve the sanitary condition of any area within its jurisdiction, the Municipal Council may by a written notice require within a reasonable period specified therein—

(i) the owner or occupier of any hut or the owner of any privy to remove such hut or privy either wholly or in part,

[c f V P 31 (1)] (ii) the owner or occupier of any building to provide any drain, privy or cesspool or any additional drains, privies or cesspools therefor or to repair, alter or put in good repair the drains, privies, or cesspools thereof

Power as regards sanitation, drainage, etc

85 (1) The President may by a written notice require within a reasonable time specified therein—

[c f V P 31 (1) (iii)] (a) the ownwer or occupier of any land or building which needs to be cleansed or which is kept in a filthy or unwholesome state to cleanse it or otherwise put it in a proper state,

[c f V P 31 (1) (iv)] (b) the owner or occupier of any land or building which contains a pool, ditch, tank, well, hole or any place containing or used for the collection of any drainage, filth or stagnant water which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance, to cause the same to be cleansed, filled or deepened or cause the water to be removed or drained or to take such other action therewith as may be deemed necessary by the President,

[C P 110] (c) any person who, without the written permission of the Municipal Council, newly erects or rebuilds any building over any sewer, drain, culvert, watercourse-, or water pipe, vested in the Municipal Council, to pull down or otherwise deal with the building as the President thinks fit,

[C P 124] (d) the owner or occupier of any building or any well, tank, reservoir, pool, depression or excavation which is, for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working therein or in the neighbourhood, to repair, protect or enclose the same,

[V P 31 (1) (v)] (e) the owner or occupier of any land overgrown with vegetation, undergrowth, prickly-pear or jungle which is in any manner injurious to health, or dangerous to the public or offensive to the neighbourhood or an impediment to efficient ventilation, to cause it to be cleared of the vegetation, undergrowth, prickly-pear or jungle,

[C P 125] (f) the owner or occupier of any building, wall or structure or anything affixed thereto, or any bank or tree which is deemed by the President to be in a ruinous state or in any way dangerous, to remove the same or to cause such repairs to be made thereto as the President may deem necessary for the public safety,

[C P 123] (g) the owner or part-owner or any person claiming to be the owner or part-owner of any building or land which by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same

(2) If the owner or occupier, of a building or land is not known, the Municipal Council may, in cases falling under clauses (b), (d), (e), (f) and (g), carry out the work and the cost of such work may be recovered from him within three years

[C P 207]

86 No person shall—

(a) without the written permission of the President or in disregard of the orders of the President or the Municipal Council, throw or deposit, or permit his servants, or members of his household under his control to throw or deposit earth or materials of any description, refuse, rubbish or offensive matter of any kind, upon any street or public place or into any public sewer or drain or any drain communicating therewith,

Depositing or throwing rubbish, etc., on roads or into drains and discharging sewage

[C P 208]

(b) without the written permission of the President, cause or allow the water of any sink, sewer or cesspool or any other offensive matter, to flow, drain or be put upon any street or public place or into any sewer or drain not set apart for the purpose

[c f P S T 39 modified]

87 (1) The Municipal Council or the Department concerned of the Government may, for the purpose of carrying out, establishing or maintaining any system of drainage, sewerage or water-supply, carry any pipe, drain, sewer or channel of any kind into, through, across, under, over or up the side of any land or building whatever situated within the limits of the Municipality, and may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such pipe, drain, sewer or channel

Power to lay or carry pipes, drains or sewers through private property

Provided that—

(a) reasonable notice shall be given to the owner or occupier of any such land or building, and

(b) reasonable compensation shall be paid to the owner or occupier for any damage sustained by him and directly occasioned by the carrying out of any such operations or for any substantial interference with the rights of such owner or occupier to the due enjoyment of such land or building

[c f C P 114]

(2) No person shall, without the written permission of the President or the Department concerned of the Government, as the case may be, at any time make, or cause to be made, any connection or communication with any pipe, drain, sewer or channel constructed or maintained by or vested in the Municipal Council or the Department concerned of the Government for any purpose whatsoever

[c f C P 114]

(3) The Municipal Council or the Department of the Government, as the case may be, may close, demolish, alter or remake any connection or communication made in contravention of the provisions of sub-section (2) and the expenses thereby incurred shall be paid by the person making such connection or communication

[c f V P 32]

88 (1) For providing the area under its control or any part thereof with a supply of water, proper and sufficient, for public and private purposes, the Municipal Council may—

Power of Municipal council to provide for proper water supply

(a) construct, repair and maintain tanks or wells and clear out streams or water-courses,

(b) purchase or acquire by lease or gift any tank, well, stream or water-course, or any right to take or convey water within or without the area under its control,

(c) with the consent of the owner thereof, utilise, cleanse or repair any tank, well, stream or water-course or provide facilities for obtaining water therefrom,

(d) contract with any person for a supply of water, or

(e) do any other acts necessary for carrying out the purposes of this section

(2) The Municipal Council may, by order published at such places as it may think fit, set apart for the supply to the public of water for drinking or culinary purposes any tank, well, stream, or water-course in respect of which action has been taken under clause (*a*) or (*b*) or (*c*) of sub-section (1), subject to any rights which the owner referred to in clause (*c*) of that sub-section may retain with the consent of the Municipal Council

(3) The Municipal Council may, by order published at such places as it may think fit prohibit—

(*a*) all bathing, washing of clothes, vessels and animals or other acts calculated to pollute the water of any tank, well, stream or water-course set apart for drinking or culinary purposes under sub-section (2), and

(*b*) during epidemics, the use of any source of water supply for drinking or culinary purposes or for the washing of clothes

Provided that the President may, in cases of emergency, exercise the powers of the Municipal Council under clause (*b*) and report the action taken for the orders of the Municipal Council

[c f C P 159 (1)]

Search for and inspection of unwholesome articles

89. (1) The President, any councillor, or any person authorised by the Municipal Council in this behalf, may at any reasonable time enter into and inspect any market, building, shop, stall or place used for the storage or sale of articles of food or drink or of drugs, or used for the slaughter of animals, and examine any article of food or drink or any drug or animal which may be therein, and if any article of food or drink or any drug or animal therein appears to be intended for human consumption and to be unfit therefor, he may seize the same

[c f C P 159 (2)]

(2) If the owner or person in whose possession such article, drug or animal is found consents thereto, the President, Councillor or the authorised person may destroy it, or dispose of it so as to prevent its being exposed for sale or use for human consumption

[New c f Mys 142 (1)]

(3) If such article, or drug is of a perishable nature, it may be disposed of in the manner specified in sub-section (2) without the consent of the person in possession

[f C P 159 (3)]

(4) In cases not falling under sub-sections (2) and (3), the article, drug or animal seized as aforesaid shall be removed forthwith and placed before a Magistrate for orders under section 98

[C P 209]

Feeding animals on deleterious substance

90 No person shall feed, or allow to be fed, on any deleterious substance, filth or refuse of any kind, any animal which is kept for supplying milk or milk products or is intended for human consumption

[C P 213]

Acts done by persons suffering from certain disorders

91 No person suffering from a loath-some, infectious or contagious disease shall—

(*a*) make or offer for sale any article of food or drink for human consumption or any medicine or drug or

(*b*) wilfully touch any such article, medicine or drug, when exposed for sale by others, or

(*c*) take any part in the business of washing or carrying clothes

[c f C P 140 and Mys 140 and 141]

Places for slaughter of animals for sale

92 (1) The Municipal Council may fix premises for the slaughter of animals or animals of any specified description, for sale, either within the Municipality, or with the approval of the Deputy Commissioner beyond the limits of the Municipality

(2) No person shall, without the license of the President, use any such premises, for slaughter of animals for sale

(3) The President may grant, suspend, withhold or withdraw licenses for the use of such premises, or if they belong to the Municipal Council, charge rents or fees for the use of the same

(4) When any such premises have been fixed under sub-section (1), no person shall slaughter any such animal for sale at any other place within the Municipality

[c f Dt Bd 55] 93 (1) The Municipal Council may notify that no place within the area under its authority shall after sixty days from the date of such notification be used without a license from the President and except in accordance with the conditions specified therein for any purpose affecting the public health or safety or sanitation approved and notified by the Government in the official gazette in this behalf

Premises not to be used for certain purposes without a license

[C P 134] (2) Whenever it is shown to the satisfaction of the Municipal Council that any place licensed under sub-section (1) is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, the Municipal Council may by notice require the occupier of the place to discontinue the use thereof, or to use the place in such manner as will, in the opinion of the Municipal Council, render it no longer a nuisance or dangerous

[c f C P 189 and 190] (3) No person shall use any premises without a license or in contravention of the conditions specified therein for any purpose for which a license is required under sub-section (1), or, after notice has been given under sub-section (2), use such place or permit it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous

[Bom L B 60] 94 (1) The President or any person authorised by the President or the Municipal Council in this behalf, may enter at any time, after reasonable notice, into any building or premises in which any dangerous disease is reputed or suspected to exist, for the purpose of inspecting such building or premises

President, etc, to have power of entry for inspection into buildings etc where infectious disease exists

(2) No such inspection shall be made except between sunrise and sunset

Inspection to be made between sunrise and sunset

(3) If the President or such person is of opinion that the cleansing or disinfecting of a building or premises or of a part thereof, or of any articles therein likely to retain infection, would tend to prevent or check the spread of any dangerous disease, he may by notice require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice, provided that if the President or such person considers that immediate action is necessary or that the owner or occupier, is by reason of poverty or otherwise, unable effectually to comply with his requisition, he may himself cause such building or premises or articles to be cleansed or disinfected, and for this purpose may cause such articles to be removed from such building or premises, and the expenses incurred by the President or such person under this sub-section shall be recoverable from the said owner or occupier unless he was, by reason of poverty, unable effectually to comply with his requisition

Disinfection of buildings, etc

New c f C P 138] 95 (1) The Municipal Council shall, with the previous approval of the Deputy Commissioner, provide a suitable place for burial or burning either within or beyond the Municipal limits

Burial and burning grounds

(2) No place shall be made or formed as a burial or burning ground after the commencement of this Regulation, without the premission in writing of the Municipal Council

[My 150]

(3) If the Municipal Council be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health, it may submit its opinion with the reasons therefor to the Government through the Deputy Commissioner, and the Government thereupon, after such further enquiry, if any, as they shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification

(4) A copy of the said notification both in English and Kannada shall be published in the official gazette, and shall be posted up at the Municipal Office and in one or more conspicuous parts on or near the place to which the same relates

(5) No person shall bury, or burn, or cause or permit to be buried or burnt, any corpse in any burial or burning ground made or formed in contravention of sub-section (2) or after the date specified in the notification published under sub-section (4)

[V P 62 modified]

Punishment for obstructing Municipal Council President, Councillor or Agent

96 Whoever obstructs or molests an Assessor or his assistants or a Municipal Council or President or any Councillor or any person employed by the Municipal Council or the President, or any person with whom it or he has contracted in the performance of its or his duty under the provisions of this Regulation or the rules thereunder, or prevents or tries to prevent any person from doing anything which he is empowered or required to do by virtue of this Regulation or the rules thereunder or removes any mark set up for the purpose of indicating any level or direction incidental to the carrying out of any work authorised by or under this Regulation or removes or destroys, defaces or otherwise obliterates any notice put up or exhibited by the Municipal Council or its President or under its or his authority, shall be liable on conviction by a Magistrate to a fine not exceeding one hundred rupees

Certain offences punishable with fine

97 Whoever contravenes the provisions of or fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of

(i) Section 29, sub-section (1),
(ii) Section 80, sub-section (2),
(iii) Section 82, sub-section (1),
(iv) Section 83, sub-sections (1) and (4),
(v) Section 86,
(vi) Section 87, sub-section (2),
(vii) Section 88, sub-section (3),
(viii) Section 90,
(ix) Section 91,
(x) Section 92, sub-sections (2) and (4),
(xi) Section 93, sub-section (3),
(xii) Section 95, sub-sections (2) and (5), and
(xiii) Section 107, sub-section (3)

[cf Dt Bd 56]

shall, on conviction before a Magistrate, be punished with fine which may extend to rupees fifty He may also be punished with further fine which may extend to ten rupees for every day on which such offence is continued after the date of conviction or any subsequent date as may be fixed by the Magistrate

[C P 215]

Penalty for possession of articles or animal unfit for human consumption or adulterated drug

98 If any animal, article or drug is brought before a Magistrate under sub-section (4) of section 89, the Magistrate, on its being proved that the article or animal was intended for human consumption and is unfit therefor, or that the drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may order the

article or animal to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human consumption, and the drug to be dealt with, as he may think fit, and may direct that the owner or person in possession of such article, animal or drug shall be punished with fine which may extend to one hundred rupees

Provided that a person who is in possession of any article or animal or drug as a carrier or bailee thereof, in ignorance of its nature shall not be liable to fine under this section

[New c f C P 45]

Penalty on Councillor officer or servant of Municipal Council being interested in contract made with the Municipal Council

99 If any President, Councillor, Officer, or servant of a Municipal Council has, without the written permission of the Assistant Commissioner or the Deputy Commissioner, directly or indirectly, any share or interest in any work done by order of or on behalf of the Municipal Council or in any contract with or under the Municipal Council, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code

[Mys 155 and Dist Bd 56]

Punishment for disobedience to orders and notices not punishable under any other section

100 Whoever disobeys or fails to comply with any lawful direction given by any written notice issued under any power conferred by this Chapter or fails to comply with the conditions subject to which any permission was given to him under any power so conferred, shall, if the disobedience or failure is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees He may also be punished with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of conviction or any subsequent date as may be fixed by the Magistrate

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Regulation, it shall rest with the Magistrate to determine whether the time so fixed was reasonable time within the meaning of this Regulation

[Mys 161 (1)]

Municipal Council or President may prosecute

101 (1) The Municipal Council or the President, may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Regulation or of any rule thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the Municipal fund

Provided that no prosecution for an offence under this Regulation or the rules thereunder shall be instituted except within six months next after the commission of such offence

[c f Dom Bor 200 (2)]

Jurisdiction of Magistrate

(2) Any prosecution under this Regulation or under any rule thereunder may be instituted before any Magistrate, and every fine or penalty imposed under or by virtue of this Regulation or any rule thereunder, and any compensation, expenses, charges or damages for the recovery of which no special provision is otherwise made in this Regulation, may be recovered on application to any Magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable

[Mys 168]

Powers and duties of Police Officer

102 (1) Any Police Officer may arrest any person committing in his view any offence against any of the provisions of this Regulation or of any rule thereunder, if the name and address of such person be unknown to him, and if he declines to give his name and address, or if the Police Officer has reason to doubt the accuracy of such name and address if given, and such person may be detained at the station-house until his name and address has been correctly ascertained

Provided that no person arrested shall be detained without the order of a Magistrate longer than shall be necessary for bringing him before a Magistrate, or than twenty-four hours at the utmost

(2) It shall also be the duty of all Police officers to give immediate information to the Municipal Council of the commission of any offence against the provisions of this Regulation, or of any rule thereunder, and to assist the President, Councillors, Municipal officers and servants in the exercise of their lawful authority

[Mys 161A and Dist Bd 60]

Powers to compromise and compound offence

103 The President or any person authorised by the Municipal Council may, and when directed by the Municipal Council, shall

(a) compromise with any person who in the opinion of such President, person or Municipal Council ,as the case may be, has committed an offence punishable under this Regulation or any rule thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence ,

(b) withdraw from prosecutions instituted under this Regulation or any rule thereunder ,

(c) compound any offence against this Regulation or any rule thereunder which may by rules made by the Government be declared compoundable

CHAPTER VIII

MISCELLANEOUS

[c f Cal 498]

Licenses and permissions

104 (1) Every license and written permission granted under this Regulation or under any rule thereunder shall be signed by the President and shall specify—

(a) the date of the grant thereof ,

(b) the purpose and the period (if any) for which it is granted

(c) the restrictions and conditions (if any) subject to which it is granted ,

(d) the name of the person to whom it is granted , and

(e) the fee or amount, if any, paid for the license or written permission

(2) Any license or written permission granted under this Regulation or under any rule thereunder may at any time be suspended or revoked by the President, if any of the restrictions or conditions is infringed or evaded by the grantee, or if the grantee is convicted of a breach of any of the provisions of this Regulation or of any rule thereunder in any matter to which such license or permission relates

[c f Mys 154 (3)]

Public and general notices how to be published

105 (1) Every notice which this Regulation requires or empowers a Municipal authority to give or to serve either as a public notice, or generally or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the Municipal Office during such period, and in such other public buildings and places or is published in such local paper or in such other manner as the Municipal Council in this behalf determines

[c f V P 67 (1)]

Service of notices, etc , addressed to individuals

(2) When any notice or other document is required by this Regulation or by any rule or order made under it to be served on, or sent to, any person, the service or sending thereof may be effected—

(a) by giving or tendering the said document to such person , or

(*b*) if such person is not found, by leaving such document at his last known place of residence or business, or by giving or tendering the same to some adult member or servant of his family, or

(*c*) if such person does not reside in the municipality and his address elsewhere is known to the President, by sending the same to him by post registered, or

(*d*) if none of the means aforesaid be available, by fixing the same in some conspicuous part of his last place of residence or business

[c f V P 67 (2)]

(3) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers, it shall be sufficient to serve it on, or send it to, any one of such owners or occupiers

Service of notices etc, on owners and occupiers of buildings and lands

[Mys 154 (4)]

(4) No notice or bill shall be invalid for defect of form

Defective form not to invalidate notice or bill

[Mys 154 (5)]

(5) When any notice under this Regulation requires any act to be done for which no time is fixed by this Regulation, the notice shall fix a reasonable time for doing the same

Execution of acts required to be done by any notice

[Mys 154 (6)]

(6) In the event of non-compliance with the terms of the notice it shall be lawful for the President or the Municipal Council to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the President or the Municipal Council shall be paid by the person or persons upon whom the notice was served

[Bom Bor 194 (1)]

106 (1) Where under the provisions of this Regulation any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the Municipal Council, whether any penalty is or is not provided for such default, may cause such work to be executed, and the expenses thereby incurred shall, unless otherwise expressly provided in this Regulation be paid to the Municipal Council by the person by whom such work ought to have been executed, either in one sum or by instalments as the municipal council may decide

Municipal Council in default of owner or occupier may execute works and recover expenses

[Mys 157]

(2) Where default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the President, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner

Occupier in default of owner, may execute works and deduct expenses from his rent

[c f Cal 527 and Mys 158]

107 (1) The owner of any land or building may, if he is prevented by the occupier thereof from complying with any provision of this Regulation or of any rule thereunder, or with any requisition made under any such provision in respect of such land or building, apply to any Magistrate having local jurisdiction

Proceedings in case of obstruction of owner by occupier

(2) The Magistrate, on receipt of any such application, may make a written order requiring the occupier of the land or building to afford all reasonable facilities to the owner for complying with the said provision or requisition and may also, if he thinks fit, direct that the costs of such application and order be paid by the occupier

(3) After eight days from the date of any such order, the said occupier shall afford all such reasonable facilities to the owner for the purpose aforesaid as may be prescribed in the said order, and in the event of his continued refusal to do so, the owner shall be discharged, during the continuance of

such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition

(4) In cases falling under sub-section (3), the occupier shall be liable to comply with the provisions of this Regulation in place of the owner

[c f. Bom. Bor. 198]

Determination of compensation in certain cases

108. (1) If an agreement is not arrived at with respect to any compensation or damages which are by this Regulation directed to be paid, the amount and if necessary the apportionment of the same shall be ascertained and determined by the Assistant Commissioner in charge of the Taluk in which the Municipality is situated and in the absence of such an officer by the Deputy Commissioner

Provided that nothing in this sub-section shall prevent the aggrieved party from seeking redress in a Civil Court of competent jurisdiction

(2) In any case where the compensation is claimed in respect of any land, the procedure prescribed by the Land Acquisition Regulation, 1894, for proceedings in matters referred for the determination of the court shall, as far as may be, be followed

[Mys 163]

Damage to Municipal property made good

109 If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Regulation, any damage to the property of the Municipal Council shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted, and on non-payment of such damage on demand the same shall be levied by distress and such Magistrate shall issue his warrant accordingly

[c f. C P. 175 and 176]

Power of Government to make rules and orders

110 (1) In addition to any power specially conferred by this Regulation, the Government may make so as not to be inconsistent with this Regulation or any law in force, rules or orders generally for the purpose of carrying into effect the provisions of this Regulation and prescribe forms for any proceeding for which they consider that a form should be provided

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders—

(*a*) for regulating the election of councillors, presidents and Vice-Presidents, or their appointment and other matters incidental or ancillary thereto or to the constitution of committees,

(*b*) for the conduct of business of Municipal Councils and the channel of communication between Municipal Councils and the Government or their officers,

(*c*) for prescribing the duties of Municipal officers and servants and the conditions subject to which they may be employed;

(*d*) for submission of returns, statements, and reports, for the preparation, publication, submission, and review of annual Administration Reports, and the preparation, submission and sanction of the estimates of receipts and expenditure,

(*e*) as to the preparation of plans and estimates for works which are to be wholly or partly constructed at the expense of the Municipal Fund and the powers of the Munici-

pal council or the Government officers to accord professional or administrative sanction to estimates,

(*f*) for preventing evasion of assessment and payment of taxes,

(*g*) as to the inspection and proper management and maintenance of any work of a permanent nature constructed by the Municipal Council or by the Government for the use of the inhabitants of a Municipality, whether it be within the Municipality or beyond the limits thereof,

(*h*) for conserving and preventing injury to sources and means of water supply (including private wells which are used by the public) and appliances for the distribution of water, whether within or without the limits of the Municipality, and regulating all matters and things connected with the supply and use of water,

(*i*) for the regulation and inspection of municipal markets and slaughterhouses, whether within or without the limits of the municipality, and all places used by or for animals which are for sale or hire, or the produce of which is sold, and all places used for any purpose for which a license is required under this Regulation and regulating the conditions subject to which licenses or permissions may be issued, suspended, cancelled or refused,

(*j*) regulating the construction of buildings and huts and prescribing the conditions and terms that may be imposed in this behalf,

(*k*) as to the restriction on, and the prohibition of the use of inflammable materials in buildings and for the prevention of out-break of fire,

(*l*) as to the proper registration of births and deaths and taking of a census and enforcing the supply of such information as may be necessary to make such registration or census effective,

(*m*) as to the disposal of carcasses of animals dying within the Municipal limits and the disposal of corpses by burial or burning in burial and burning grounds, whether within or without the municipal limits,

(*n*) as to enforcing the supply of information as to cases of dangerous diseases among human beings and infectious diseases among cattle and preventing, meeting mitigating, or suppressing such diseases or the out-break or introduction thereof,

(*o*) as to the disposal of mad and stray dogs,

(*p*) as to the regulation and improvement of conservancy and sanitation and prohibiting public nuisances,

(*q*) with reference to any other matter affecting the public health, comfort, safety or convenience for which the Government consider that rules may be framed, and

(*r*) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date as may be fixed by the Magistrate

(3) A rule may be general for all Municipalities, or for all Municipalities not expressly exempted from its operation, or may be special for the whole or any part of any one or more Municipalities, as the Government may direct

(4) All rules made by the Government under this Regulation shall be published in the official gazette both in English and Kannada and such rules shall have the force of law after one month from the date of such publication

SCHEDULE A

Year	No	Title or short title
1906	VII	The Mysore Municipal Regulation, 1906
1911	IX	A Regulation to amend the Mysore Municipal Regulation of 1906
1914	VIII	A Regulation further to amend the Mysore Municipal Regulation of 1906
1915	VIII	A Regulation further to amend the Mysore Municipal Regulation of 1906
1916	III	A Regulation further to amend the Mysore Municipal Regulation of 1906
1918	V	A Regulation further to amend the Mysore Municipal Regulation of 1906
1921	I	A Regulation further to amend the Mysore Municipal Regulation of 1906
1922	V	A Regulation further to amend the Mysore Municipal Regulation of 1906
1923	IV	A Regulation further to amend the Mysore Municipal Regulation of 1906
1926	IV	A Regulation further to amend the Mysore Municipal Regulation of 1906
1927	VIII	A Regulation further to amend the Mysore Municipal Regulation of 1906
1928	XIII	A Regulation further to amend the Mysore Municipal Regulation of 1906
1929	III	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1930	IX	A Regulation further to amend the Mysore Municipal Regulation of 1906

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